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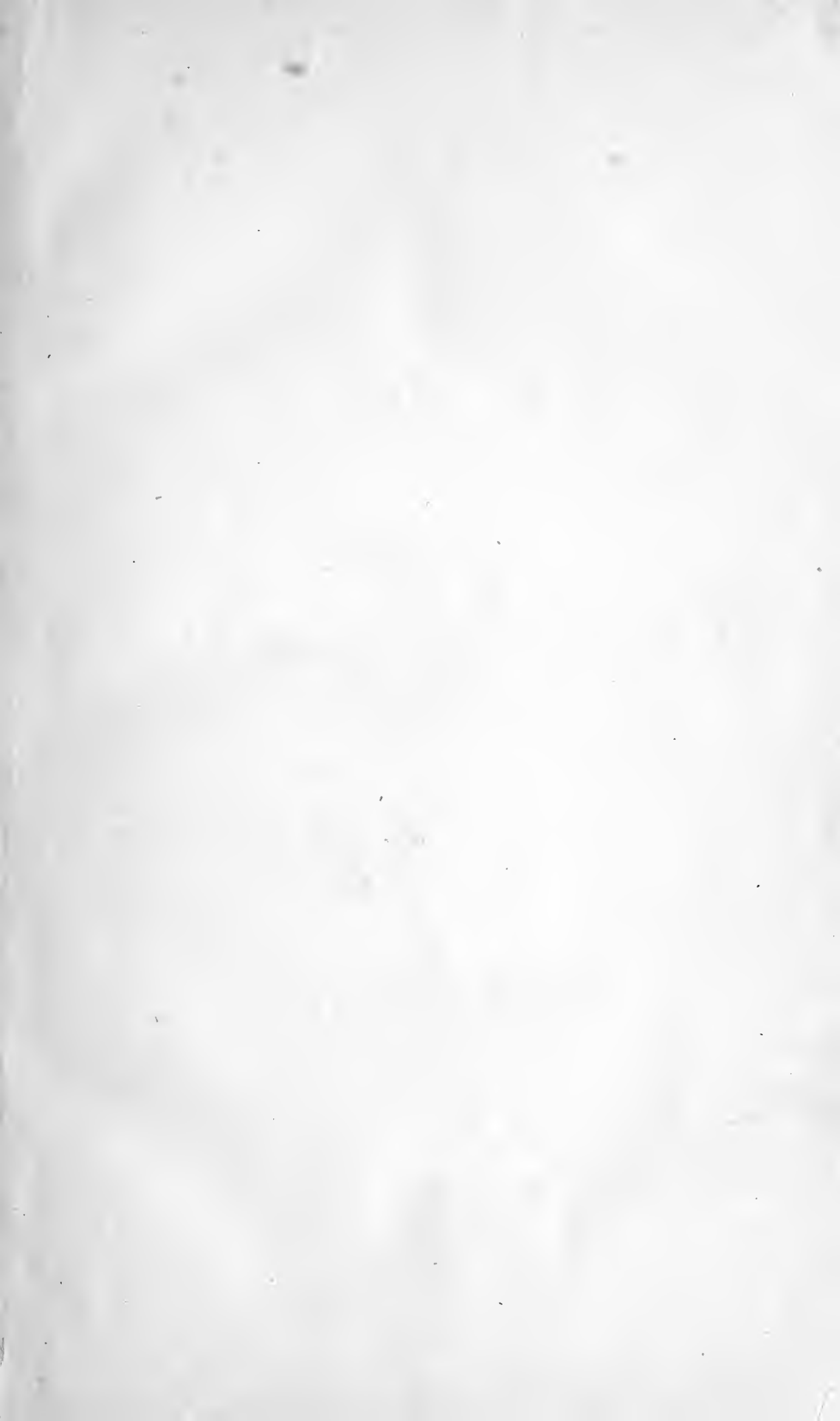
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THE COAST OF MOSQUITO

AND

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THE BOUNDARY QUESTION

BETWEEN

NEW GRANADA AND COSTA RICA.

BY

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THE COAST OF MOSQUITO
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BETWEEN
NEW GRANADA AND COSTA RICA.

The general interest manifested by the press in the questions relating to the Mosquito Coast, and the want of information on the subject, displayed by some of those who have written on it, when at the same time various suggestions have been made, to deprive the States to which they belong, of those territories, show the necessity of elucidating the affair in a serious and conscientious manner, so that public opinion may become enlightened and exercise its beneficial influence. It is for this end that the following rapid sketch of the facts referring to the possession and dominion of the above mentioned Coast has been written, and it is hoped that these observations may contribute somewhat towards the formation of a just and impartial judgement on the matter; and as this question is connected with that of the boundaries between New Granada and Costa Rica, they will also become the object of a brief review.

It has been said that the Government of the United States has suggested and supports certain projects pointed out by the press, of usurpation on the Mosquito Coast; and as it might be thought that these pages have been written in consequence of those asseverations, their

LA COSTA DE MOSQUITOS

I

LA CUESTION DE LIMITES

ENTRE

NUEVA GRANADA I COSTA RICA.

La jeneralidad con que la prensa se ha ocupado de las cuestiones relacionadas con la Costa de Mosquitos, i el poco conocimiento que algunos de los que escriben manifiestan sobre ellas, en circunstancias de haberse hecho diversas sujestiones para arrebatar aquellos territorios á los Estados á que pertenecen, son motivos que persuaden la necesidad que hai de dilucidar el asunto de una manera séria i concienzuda, para hacer que la opinion se ilustre i ejerza así su benéfico influjo. Con tal fin, pues, se publica esta rápida ojeada acerca de los hechos referentes á la posesion i dominio de la mencionada Costa, esperando que estos apuntamientos contribuirán algun tanto á formar un juicio recto é imparcial en la materia. I como esta se halle conexcionada con la de límites entre Nueva Granada i Costa Rica, tambien este último asunto será objeto de una breve reseña.

Háse dicho que el Gobierno de los Estados Unidos sujiere i apoya algunos proyectos que se han indicado por la prensa, sobre usurpacion de la Costa de Mosquitos; i como acaso podria creerse que este escrito tendia á ocuparse de semejante aseveracion, el autor

author deems it his duty to declare, that he has not been induced to take the pen by any such rumors, and that his sole object in doing so, has been to place in their proper light those rights of New Granada which are connected with the questions before mentioned, and with the pretensions of other Governments. Such absurd proceedings could not be imputed to the Government of the United States without the most flagrant injustice, not only because she can be reproached by no precedents of the sort, but also because it would be impossible to admit the idea that this nation would sacrifice her honor, and the great mission she has been called to fulfil, merely for the pleasure of trampling upon the rights of other States, and of displaying that strength and power which should be nobly employed in the cause of order, of liberty, of peace and of humanity, for on her repose the hopes of all mankind. In fact, the United States can neither be a conquering nor an usurping nation, because to be so would be to sin mortally against both the spirit and letter of her institutions, objects of her greatest respect and sources of her present and future prosperity, it would be to give herself a death wound before developing herself or attaining to maturity, it would be to destroy that immense moral force, with which she has commenced to control benificently a great portion of the new societies, it would be, in fact, to estrange from herself that sympathy which she has hitherto inspired, especially to all the nations of America, which as they are still young and flexible and now free from the corruption of despotism, try to imitate her institutions and to follow her example, as the least imperfect models that have been recorded in the history of the world. From the

de él estima de su deber declarar, que no son tales díceres los que le han movido á tomar la pluma, sino únicamente el interes de poner en claro los derechos de la Nueva Granada que se rozan con las cuestiones arriba-enunciadas, i con las pretensiones de otros gobiernos. Al de los Estados Unidos no se le pueden imputar tan absurdos procedimientos, sin cometer la mas flagrante injusticia, ya por que no se le pueden enrostrar precedentes de esta especie, ya porque no es posible consentir en la idea de que esta gran nacion sacrificara su honor i la sublime mision que está llamada á desempeñar, por solo el placer de conculcar los derechos de los demas pueblos, i de ostentar una fuerza i un poder que deben emplearse noblemente en bien del órden, de la libertad, de la paz, de la humanidad, — de la humanidad entera, que tiene fincada en ella toda su esperanza. En suma, los Estados Unidos no pueden ser conquistadores ni usurpadores, por que eso seria pecar mortalmente contra el espíritu i letra de los dogmas fundamentales de sus instituciones, objetós de su mayor respeto, i fuentes de su prosperidad presente i futura, — seria suicidarse aun ántes de consumir su propio desarrollo i de llegar á su madurez, — seria destruir esa inmensa fuerza moral con que han empezado á dominar benéficamente gran parte de las nuevas sociedades, — seria en fin, enajenarse las muchas simpatías que han inspirado hasta ahora, particularmente á todas las naciones americanas, que por ser nuevas i flexibles, i estar ya exentas de las corruptelas del despotismo, procuran imitar las instituciones i seguir los ejemplos de los Estados Unidos, como los modelos ménos imperfectos que registra la historia de todos los pueblos del mundo. Desde que los Estados Unidos ab-

moment in which the United States were to abjure her noble principles and enter into that career of depredation, conquest and usurpation, with which other nations have stained themselves, she would lose her authority over men's minds, and the respect they render her, — she would become weak and exposed sooner or later to suffer those reprisals consequent upon a political system as old and worn out as it is abhorrent and iniquitous. Aggressions of this nature engender perpetual irritations and are never committed with impunity; but in order to remove all fears on this subject, it is but necessary to remember the unanimous indignation expressed by the press and the most prominent men of the United States when the pretended King of the Mosquitos appeared on the scene.

It is strange, indeed, that in the nineteenth century, in the midst of a civilization so justly lauded, a question so subversive of right and order as that respecting this imaginary king, could have arisen; but the facts are, that it originated a few years since amongst a band of smugglers, adventurers and refugees, who finding it impossible to carry on any longer their nefarious trade on account of the persecution declared against them, and careless of the means they adopted in order to extricate themselves from their miserable situation, resorted to a number of intrigues and suggestions to the British Government, amongst others, that of supposing the existence of the said king, hoping thereby to appropriate to themselves an immense territory which had always been in the possession and under the dominion of the Spanish Crown, and afterwards belonged to the States that substituted it in right, in virtue of the independence they obtained. This

jurasen sus bellos principios para entrar en la vía de las depredaciones, conquistas i usurpaciones con que se han manchado otros pueblos, quedarian desautorizados, desprestijiados, faltos de fuerza, i espuestos, mas ó ménos tarde, á sufrir las represalias consiguientes á un sistema de política tan vetusto como aborrecible é inicu. Las agresiones de este jénero irritan siempre, i nunca se verifican impunemente. Por último, para acabar de alejar todo temor de parte de la Union, en esta materia, bastaria recordar la indignacion con que se pronunciaron los hombres mas prominentes i la prensa del país, cuando apareció de improviso en la palestra el pretendido Rei de Mosquitos.

Es mui extraño que á la mitad del siglo XIX, en medio de la civilizacion de que con tanta justicia se hace alarde, haya podido surjir una cuestion tan subversiva del órden i del derecho, como la de aquel imaginario Rei; pero el hecho es, que ella fué suscitada no ha muchos años, por algunos aventureros contrabandistas i refugiados, quienes viéndose en la imposibilidad de continuar en estas industrias, por la persecucion que se les declaró, i no reparando en los medios que debian adoptar para salir de su miserable situacion, apelaron al de hacer una muchedumbre de sujestiones al Gobierno Británico, entre otras la de suponer la existencia de dicho Rei, con el fin de alzarse con un inmenso territorio que perteneció siempre al dominio i posesion de la corona de España, i que luego ha pertenecido á los Estados que la sustituyeron, en virtud de la independenciam que alcanzaron; en cuyos precisos términos han sido reconocidos, ya por

right has been acknowledged in precise terms, not only by the principal nations of Europe and America, but also by Spain herself. The above is a candid summary of the Mosquito question, and constitutes the whole of the serious and historical part of it; the comic part of the affair consists of the appearance and pretensions of His most sacred Majesty the August King of the Mosquitos. Fortunately, it is this second part which is most generally known, and therefore the repetition of the ridiculous episodes of which it is composed, is superfluous. We will speak, therefore, but of the former part, which will be sufficient to establish the facts alluded to, and the rights of New Granada.

Various corsairs or pirates sailed out of Jamaica soon after that island fell into the hands of the English, employed themselves for some time in various piratical enterprises along the coasts of Honduras, Mosquitos, Nicaragua, Costa Rica and Tierra Firme, until the Spanish Government weary of their depredations and having concluded her war with England, found herself able to attack them with success and to free these coasts from their hostilities. Those who survived this persecution, which took place at the close of the 17th century joined themselves with other adventurers of different nations and took refuge in the Gulf of Honduras with the object of continuing their criminal career under the pretext of cutting woods, which operation they indeed undertook clandestinely, extending it to the Coast of Mosquito. At length, after a series of claims and dissensions between Spain and Great Britain, by the treaty of 1763 the latter obtained for her subjects the right of cutting logwood, on condition of erecting no fortifications, and of destroying

aquella manera. En 1824 se espidieron por el Gobierno de Colombia otros actos sobre este particular, entre los cuales figura el decreto de 5 de julio de aquel año, contra los proyectos de colonizacion de la Costa de Mosquitos por varios aventureros extranjeros, cuyo decreto sostenido por los cruceros ó guardacostas, desbarató enteramente las empresas que se proyectaban; i para asegurar mas eficazmente su observancia, fué publicado en Inglaterra, en los Estados Unidos i en otros muchos países á donde se comunicó, sin que en ninguna parte se suscitara la menor duda acerca del perfecto dominio que la República ejercia en la precitada costa.

El Almirante ingles Sir Lorenzo Halstead recomendó á la consideracion del Gobierno Colombiano, un memorial de los comerciantes de Jamaica, quienes en vista de la órden de 9 de marzo de 1822, estableciendo reglas contra el tráfico clandestino que se hacia con las costas de la Goajira, Darien i Mosquitos, solicitaban su revocatoria por parecerles demasiado gravosa. El Gobierno contestó que no creia justo ni necesario suspender dicha órden, pero que se modificaria algun tanto, siempre que se solicitase por la vía diplomática competente, despues que se hubiese reconocido la independencia de Colombia por la Gran Bretaña, i que de la discusion resultase la conveniencia de tal modificacion. Con esta respuesta terminó el asunto, i los súbditos británicos se sometieron puntualmente á las reglas i prevenciones de la órden en cuestion; hasta que en 1824 se renovó la solicitud por el Ajente británico residente entonces en Bogotá, el cual, atendidas varias dificultades que presentaba aquella órden, pedia que se revocase, ó que por lo ménos se modificase. Por la respectiva Se-

fication. The answer returned through the proper department was, that the Executive Power could no longer do any thing in the matter, as it had been submitted to the consideration of Congress. The British Agent then hastened to indicate, by a note of 16th November 1825, as a means proper to conciliate the interests of both countries *that, in order that all difficulties should be removed and all motives for complaint should disappear*, the Congress should dispose, that all british ships should be empowered to trade with those coasts directly and freely, provided they obtained a certificate from the Colombian Consul or commercial Agent, residing in the port from which they sailed, testifying, that no part of their cargo consisted of articles commonly denominated contraband of war. And again on the 18th of April 1826, the British Chargé d’Affaires in the name of his Government expressed the desire, that the session of Congress for that year should not rise without placing upon a permanent, agreeable and satisfactory footing the commerce with the Colombian Coasts of Goajira, Darien and Mosquitos, and in consequence of this request the law of 1st May 1826 was passed, which is still in force, by which the Executive was empowered to employ the means most conducive to the complete civilization of the aboriginal tribes of Mosquitos and other indians, and to arrange in a convenient manner their commerce with the interior and with foreign countries: for this purpose a hundred thousand dollars annually were assigned, and as a corollary to this law, was issued the decree of regulations in accordance to the desires of the British Government.

When Columbia and Great Britain celebrated the

cretaría se le contestó, que ya nada podia hacer el Poder Ejecutivo sobre el particular, á causa de haberse sometido el punto al conocimiento del Congreso. Entonces se contrajo á indicar por nota de 16 de noviembre de 1825, como medida propia para conciliar los intereses de los dos países, que: *para que quedase removida toda dificultad, i para que desapareciera cualquier motivo de queja contra las ordenanzas vijentes*, el Congreso dispusiese que todos los buques británicos pudiesen traficar con aquellas costas, directa i libremente, con tal de que obtuviesen un certificado del Cónsul ó Ajente comercial colombiano residente en el puerto de su despacho, para hacer constar que ninguna parte de su carga consistia en artículos jeneralmente denominados *contrabando de guerra*. I luego, en 18 de abril de 1826, volvió el Encargado de Negocios británico á espresar en nombre de su Gobierno, el deseo que este tenia de que no terminaran las sesiones del Congreso de aquel año sin que el comercio con las costas colombianas de la Goajira, Darien i Mosquitos quedase bajo un pié permanentemente agradable i satisfactorio; i en virtud de esta nueva insinuacion se espidió la lei de 1º de Mayo de 1826, vijente hoi todavía, por la cual se facultó al Poder Ejecutivo para tomar todas las medidas conducentes á la completa civilizacion de las tribus de indígenas de Mosquitos i otras, i para arreglar de una manera conveniente su comercio con el interior i con los extranjeros, á cuyo fin se asignaron cien mil pesos anuales; i como corolario de esta lei, se espidió el decreto reglamentario, de acuerdo con los deseos del Gobierno británico.

Cuando Colombia i la Gran Bretaña celebraron el

treaty of 1825, by which the Republic of Colombia was recognized as the substitute of Spain in her territorial rights, the observations made by the british negotiators, as proved by the protocols of the conferences, were not certainly intended to raise doubts as to the dominion of Colombia over the Coast of Mosquito, which had never been questioned, but with the sole object of securing the right, held by Great Britain, of cutting woods in the district of Belize. With this view those negotiators proposed an article which they afterwards withdrew, because the Colombian negotiators made them observe, that the treaty ought not to refer to territories which did not belong to Colombia, whose coast only extended as far as the Cape Gracias á Dios.

The catalogue of facts proving the constant recognition made by Great Britain of the rights of Colombia, and consequently of New Granada, to the sovereignty of the Coast of Mosquito, would be inexhaustible, and it could not be otherwise, since no doubts or controversies have ever arisen as to the treaty of 1786, still in force, which arranged definitely the disputes that had existed on the subject: for the argument that has lately been brought forward, that no Government has exercised dominion in the Coast of Mosquito, is entirely false.

Christopher Columbus in his fourth and last voyage, in 1502, discovered and took formal possession of all the Coast of Honduras, Mosquito, Nicaragua, Costa Rica and Veraguas, as far as Portobelo, and gave the names, which are still retained by the principal places

tratado de 1825, por el cual se reconoció á la República como sustituta de la España en los derechos territoriales de esta, las observaciones que se hicieron por los negociadores británicos, segun consta de los protocolos de las conferencias, no fueron, ciertamente, para poner en duda el dominio de Colombia sobre la Costa de Mosquitos, que jamas le fué disputado, sino con el objeto de asegurar únicamente el derecho que la Gran Bretaña tenia al corte de maderas en el distrito de Belize, con cuyo fin presentaron dichos negociadores un artículo, que luego retiraron por que los negociadores colombianos les hicieron observar que el tratado no debia versar sobre territorios que no correspondian al dominio de Colombia, cuyo litoral solo alcanzaba hasta el cabo de Gracias á Dios.

Inagotable seria el catálogo de los hechos que demuestran el constante reconocimiento que hizo la Gran Bretaña, de los derechos de Colombia, i en su caso, de Nueva Granada, al dominio i soberanía de la Costa de Mosquitos; i no podia ser de otro modo, pues que nunca se suscitaron dudas ó controversias acerca del tratado aun vijente, de 1786, que arregló definitivamente las desavenencias que habian existido á este respecto, i pues que es de todo punto inexacto el argumento que en estos últimos tiempos ha solido hacerse sobre que en la costa i territorios de Mosquitos no ha ejercido dominio ó soberanía ningun Gobierno.

Cristóbal Colon en su 4.^o i último viaje, en 1502, descubrió i tomó formal posesian de toda la Costa de Honduras, Mosquitos, Nicaragua, Costa Rica i Veraguas, hasta Portobelo, i dió el nombre que hoi conservan casi todos los puntos principales de aquel litoral.

on those coasts. It was then also (though this is a digression) that he penetrated as far as Las Bocas del Toro by the Bay, which owes to this event the name of the "Admiral's Bay," and entering towards the west, founded the first colony; giving to the country he had discovered, the name still retained by the province, of Veraguas. The two provinces of Taguzgalpa and Tologalpa, formed from the ancient province of Comayagua, whose coasts were afterwards called *Mosquito*, were entirely conquered, and populated, as far as circumstances permitted, as the number of inhabitants contained in the 94 villages founded there, divided into 25 parishes, reached 60,000. Hernan Cortes and some of his officers were the first who subdued the province of Comayagua, which was also called *Honduras*, and afterwards the spanish dominion was completely secured by means of the enormous expenses and efforts made to christianize the Indians and reduce them to a social life. For this purpose missions were established in Guatemala and in the Viceroyalty of Santa Fé, villages were founded, parishes were established, and garrisons were maintained, so that not even the seaboard was neglected; in which there remained but few indians unsubdued, and that, on account of their inhabiting the most unhealthy and inaccessible parts of the coast; and even these savages became reduced to an insignificant number upon the establishment of several villages and stations, such as Gualan, San Fernando de Omoa, Trujillo, Gracias á Dios (where a Royal Audience was established), San Gil de Buenavista &c., as in consequence of these nuclei of civilization, of the arrival of various detachments of missionaries, and of the frequent communication estab-

Fué tambien entónces, permítase la digresion, que penetró en las Bocas del Toro por la bahía, que debe á esta circunstancia el llamarse *del Almirante*, é internándose hácia el Occidente, fundó la primera colonia, dando al país que descubrió el nombre que hoy lleva todavía, de provincia de Veráguas.—Las dos provincias de Taguzgalpa i Tologalpa, que se formaron de la antigua de Comayagua, cuyas costas se llamaron luego *de Mosquitos*, fueron conquistadas enteramente, i pobladas hasta donde las circunstancias lo permitieron, llegándose á contar en ellas cerca de sesenta mil habitantes, comprendidos en los 25 curatos en que estaban distribuidos los 94 pueblos que se fundaron allí. Hernan Cortés i muchos de sus tenientes, fueron los primeros que sometieron la provincia de Comayagua, que tambien se llamó *de Honduras*; i despues fué completamente asegurado el dominio español por medio de injentes gastos i esfuerzos para reducir á los indios al cristianismo i á la vida social, á cuyo efecto se establecieron misiones en Guatemala i en el Vireinato de Santa Fé, se fundaron pueblos, se erijieron curatos, se sostuvieron guarniciones &c. Por manera que, no se desatendió ni aun el litoral, en donde fueron raros los indios que dejaron de someterse, i esó por que habitaban los puntos mas insalubres é inaccesibles: i con todo, estos salvajes quedaron reducidos á un número insignificante luego que se fundaron en dicha costa varios pueblos, como Gualan, San Fernando de Omoa, Trujillo, Gracias á Dios (en donde estuvo establecida una Real Audiencia), San Jil de Buenavista &c. Con estos núcleos de civilizacion, con el envío que tambien se hizo allí de algunos destacamentos i de misioneros, i con las frecuentes comunicaciones

lished between Carthagena and that part of the coast, so many abandoned their savage life, that those who retained their wandering habits, according to the most reliable accounts, did not reach the number of ten thousand.

The coast, of Comayagua or of Taguzgalpa and Tologalpa, or of Mosquito, as it was afterwards called, did not extend farther than the river and Lagoon of Las Perlas, as it is only lately, and for a particular purpose, that the name has been extended as far as Punta Gorda. More recently, with views whose qualification it is better to omit, it appeared very convenient to comprehend under the same name, the port of the river San Juan, and that which is most to be admired is, that, these encroachments having met with little or no resistance, the attempt was made to convert into Mosquito Coast, the Atlantic sea board of Nicaragua and Costa Rica, and even a part of the province of Veraguas.

The frequent dissensions in which Spain and Great Britain were engaged for more than a century, gave rise to various piratical irruptions of the English on the coasts of Mosquito, Darien, Panama, Carthagena &c. These attacks were nearly always directed by the authorities of Jamaica, with the principal object, as it would seem by the results, of obtaining afterwards in time of peace, some advantages for the commerce of that island. And it was therefore but under some such circumstances, that a species of incoative rule in the Mosquito Coast may have been exercised by british agents. But the British Government repeatedly desisted from these pretensions, simply abandoning and giving them up, and recognizing the sovereignty of Spain and her *incon-*

que se entablaron con Cartajena, salieron aquellos indios de su salvaje, sin que quedaran sino rarísimas parcialidades nómades, que segun las mas fidedignas relaciones, no alcanzaban á constituir diez mil individuos.

Las costas de Comayagua, ó sean de Taguzgalpa i Tologalpa, ó de Mosquitos, como se llamaron despues, no se estendian mas allá del rio i laguna de las Perlas; no siendo sino en tiempos modernos i con fines particulares que se las llamó así hasta Punta Gorda. Mas recientemente, ya con miras cuya calificacion será mejor omitir aquí, pareció mui cómodo comprender bajo la misma denominacion, el puerto del rio San Juan: i lo mas gracioso de todo, es, que habiéndose hallado poca ó ninguna resistencia en estos avances, se pretendió convertir en Costa de Mosquitos todo el litoral Atlántico de Nicaragua i Costa Rica, i aun abrazar una parte del de la provincia de Veráguas.

Las disensiones en que se vieron frecuentemente empeñadas la España i la Gran Bretaña, por mas de un siglo, dieron lugar á varias irrupciones de corsarios ingleses en las Costas de Mosquitos, Darien, Panamá, Cartajena &c.; irrupciones hostiles, casi siempre dirigidas por las autoridades de Jamaica, que llevaban por principal objeto, segun se infiere de los resultados, recabar luego en la paz algunas ventajas para el comercio de aquella isla. Así, pues, no fué sino en circunstancias tales, que por vía de hostilidad ó represalias, se pudo ejercer ocasionalmente una especie de derecho incoativo en la Costa de Mosquitos, por los Agentes británicos; mas, de estos derechos ó pretensiones desistió repetidas veces el Gobierno británico, abandonándolos

trovertible rights over that coast, as may be seen by the treaties referred to, and especially by the last of 1786, which has never been modified in the least particular, but on the contrary implicitly ratified by Great Britain, Colombia and New Granada, which two last nations continued to exercise their rule and sovereignty on said sea board, until suddenly sprang up from nothing, towards the year 1837, that most celebrated question of the existence of the *soi-disant* King of Mosquito.

From the foregoing must be deduced the conclusion, that the British Government could not patronize the pretensions of the^s adventurers who took refuge on the Mosquito Coast, without openly violating existing treaties. And in order to excuse these proceedings, it is not sufficient to assert, that those people are considered as english subjects, which assertion, we here will observe, is false, as nearly all the inhabitants of those coasts are mestizoes, indians, zambos or mulattos, born there, descended from fathers and grandfathers who were subjects of the King of Spain. Besides, the sovereignty of Spain over those territories having been always recognized, as well as that exercised by Colombia and New Granada, as her substitute, according to treaties still in force, the British Government ought, not only to have rejected the suggestions of those adventurers who desired to usurp the above mentioned territories, because she had especially bound herself to do so, but also from other motives of dignity, good faith and respect to international rights, she ought to have abstained from even

ó cediéndolos solemnemente, i reconociendo la soberanía de la España i los *incontrovertibles* derechos de esta sobre aquella costa, como se puede ver en los tratados mencionados, i con especialidad en el último de 1786, que no ha sido ni tenido por qué ser modificado despues, sino ántes bien, implícitamente ratificado por la Gran Bretaña, Colombia i Nueva Granada, cuyas dos últimas naciones continuaron ejerciendo su dominio i soberanía en dicho litoral, hasta que inopinadamente surgió de la nada, hácia el año de 1839, la celeberrima cuestion sobre la existencia de un *soi-disant* Rei de Mosquitos.

Dedúcese de todo lo espuesto, que el Gobierno británico no ha podido patrocinar las pretensiones de los aventureros que se han refugiado en la Costa de Mosquitos, sin quebrantar abiertamente los tratados existentes; no bastando para cohonestar semejante procedimiento, el que se diga que tales jentes pasan por súbditos ingleses, cosa que, sea dicho de paso, no es exacta, pues casi todos los habitantes de aquella costa son mestizos, indios i zambos ó mulatos, nacidos allí de padres i abuelos que fueron súbditos del Rei de España. A mas de que, reconocida la soberanía de España, como lo estuvo siempre, en aquellos territorios, i la ejercida por Colombia i Nueva Granada, como subrogantes de ella, segun tratados tambien vijentes, no solo ha debido el Gobierno británico desechar las sujestiones de los aventureros que pretendian alzarse con los referidos territorios, por estar explícitamente comprometido á ello, sino que, por la misma razon, i por otras de dignidad i buena fé, i de respeto al derecho internacional, ha debido abstenerse de dar el menor asidero á la idea de consti-

harboring the idea of constituting herself the ally and protector of the pretended Mosquito King.

It is painful to speak of such a respectable Government in so plain and direct a manner, but it is impossible to find words, that will express the same ideas in a milder and more courteous terms.

It was in order to palliate the circumstances already indicated, that it was alleged that, neither the Spanish Government nor those which substituted her, had ever exercised any sovereignty or dominion whatever, in the Mosquito territory. Such an assertion can never be seriously made without offending the truth and without denying the multiplied and notorious facts that prove the contrary in the most evident manner. We have already said, by whom and when those countries were discovered, conquered and populated, as may be circumstantially seen in various histories and authentic documents and particularly in the Memoirs of the Vice-Roys of Santa Fé de Bogotá and of the Capitanía General and Gobernaciones of all those provinces which constitute Central America. And if it is true that the Governments of Spain, Colombia and New Granada, were able to take but few of the necessary steps, in order to foment the population and prosperity of those coasts, notwithstanding their constant desire to do so, it is also certain, that they were constant in their endeavour to attain that end, and that no other Government had the right to interfere with the motives which prevented their using greater efficiency and activity in their own concerns and interests. Still less would that inactivity give any other nation the right of possessing themselves, either more or less openly, of the territories in question.

tuirse aliado i protector del imaginario Rei de Mosquitos.

Sensible es hablar de un Gobierno tan respetable, en frases tan rotundas i categóricas; mas no es posible hallar otras que espresen las mismas ideas de una manera mas suave i comedida.

Para paliar los procedimientos indicados, fué que se alegó, que ni el Gobierno español, ni los que lo han sustituido, han ejercido dominio ó soberanía de ninguna especie en el territorio de Mosquitos. Semejante aseveracion jamas podria hacerse sériamente sin faltar á la verdad i sin negar los multiplicados hechos notorios que prueban de una manera evidente lo contrario. Ya se ha dicho por quiénes i desde cuando fueron descubiertos, conquistados i poblados aquellos países, lo cual se puede ver detalladamente en diferentes historias i documentos auténticos, i con particularidad en muchas de las Memorias de los Vireyes de Santa Fé de Bogotá i de la Capitanía Jeneral i Gobernaciones de todas las provincias que constituian á Centro América. I si es verdad que los Gobiernos de España, Colombia i Nueva Granada, no pudieron tomar sino mui pocas de las medidas que eran necesarias para fomentar la poblacion i contribuir á la prosperidad de aquellas costas, como lo desearon siempre, tambien es cierto que fueron constantes en su empeño de hacer lo posible por conseguir aquel fin, i que ningun otro Gobierno tenia el derecho de ingerirse en los motivos que asistieran á aquellos para no emplear mayor actividad ó eficacia en sus propios negocios é intereses, ni ménos tendria el derecho de adueñarse simuladamente de los territorios en cuestion.

In order that a country should belong in property and dominion to the nation that discovers it, it is but necessary, according to the law of nations received on this subject, that such nation should manifest ostensibly her desire and intention of cultivating or populating the discovered country. And the Government of Spain not only discovered, explored and conquered the country in question, with evident intention of cultivating and populating it, but also, notwithstanding a thousand obstacles and impediments arising from the insalubrity of those regions, the hostility of the Indians, and the many points that claimed her attention over the whole continent, made great sacrifices with the object of supplying the first necessities of the country, and laid the foundations of her civilization and prosperity, organizing populations, establishing parishes, missions, garrisons &c. It is certain that, though all these operations suffered interruptions and were limited by the amount of means possessed, wherewith to attend simultaneously to the wants of the vast regions conquered by Spain, yet, no other nation has presented better or equal titles than she has done, to the right of securing and exercising her dominion over such countries. And let it not be said because there exist, (as is still the case in those territories) some tribes of wild indians, that those hordes can be considered as sovereign and independent nations, for such an absurdity could not be maintained without introducing complete anarchy into the law of nations, and without destroying or annulling all the rights, compacts and treaties now in force upon the acquisition of the different regions of America. With respect to these, the European powers have regulated in such a manner

Para que un país pertenezca en dominio i propiedad á la nacion que lo descubre, una vez aceptados como están, los principios consagrados por el derecho de jentes sobre este particular, solo necesita que sea ostensible su deseo ó intencion de beneficiarlo ó poblarlo. Mas el Gobierno español, no solamente descubrió, exploró i conquistó el país de que se trata, con la intencion manifiesta de beneficiarlo i poblarlo, sino que á pesar de mil rémoras i complicaciones provenientes, ya de la insalubridad de aquellas rejiones, ya de la hostilidad de los indios, ora de los muchos puntos á que era preciso atender en todo el continente, hizo injentes sacrificios con el objeto de ocurrir á las primeras necesidades del país, i echó los fundamentos de su civilizacion i prosperidad, organizando poblaciones, estableciendo curas, misiones, guarñiciones &c. I en verdad que, aunque todo esto tenia que sufrir algunas interrupciones i limitarse á los medios con que era preciso atender simultáneamente á las vastas comarcas cuya conquista emprendió la España; sin embargo, ninguna nacion ha presentado mejores ni iguales títulos que ella, para asegurar i ejercer su respectiva soberanía en países como el de que se habla. I no sediga que por que en tales países existian, como aun existen todavía, algunas tribus de indios no reducidos, estas parcialidades pueden considerarse como naciones soberanas independientes, pues semejante absurdo no podria sostenerse sin anarquizar completamente el derecho de jentes, i sin destruir ó anular todos los derechos, pactos i tratados vijentes sobre la adquisicion de las diferentes rejiones de América, respecto de las cuales han regularizado de tal modo los poderes europeos el principio arriba indicado, sobre derecho de do-

the above mentioned principle of the right of dominion and sovereignty, that now to deny those principles would be equal to annulling the right these same powers possess upon many colonies and regions on this continent, since the sovereignty they exercise over most of these has no other origin or foundation than the above cited. If the savage tribes, existing in a newly discovered or conquered country, could be recognized as sovereign nations without any dependence upon the nation that takes possession of the whole territory in which they are found, what then should have been and still should be the fate of Canada, of Oregon, of New Mexico, of the Guayanas, of Florida and a hundred other regions in which such tribes abound, and which for a length of time have been, in accordance to the received principles of the right of nations, under the rule and dominion of different European nations, and into which (at least into many of them) christianity and civilization have either not penetrated at all, or have now but begun to penetrate? Many of these countries have been alienated, transferred or ceded several times, without even having been formally explored or conquered, and no one has even pretended to call in question the right of sovereignty held by the nations that have possessed them, on the pretext, that there existed in them considerable hordes of aborigines. Consequently, under every point of view, the pretext of considering the few wandering Indians of Mosquito as a sovereign and independent nation, is untenable, whatever may be the object sought for in attempting to seduce them from their legitimate dependence. By allowing so pernicious an example to pass unnoticed, it

minio i soberanía, que el querer ahora desconocer dicho principio, equivaldria á anular todos los derechos que esas potencias tienen sobre muchas colonias i comarcas de este continente, pues la soberanía que ejercen en casi todas ellas, no tiene otros fundamentos ni otro origen que los indicados. Si las parcialidades salvajes que existen en un país descubierto i conquistado, pudiesen reconocerse como naciones soberanas, sin ninguna dependencia de la que ha tomado posesion de todo el territorio en que se hallan ; cuál deberia haber sido i seria aun la suerte del Canadá, del Oregon, del Nuevo-Mejico, de las Guayanas, de la Florida, i de cien rejiones mas, en donde pululan aquellas tribus, i que por largo tiempo han estado, de acuerdo con los principios reconocidos del derecho de jentes, bajo el dominio i soberanía de diferentes naciones europeas, i en donde (por lo ménos en gran parte de ellas) la civilizacion i el cristianismo, ó no han penetrado por primera vez, ó apenas empiezan ahora á penetrar? Muchos de esos países han sido enajenados, traspasados ó cedidos diferentes veces, sin siquiera haber sido explorados ni conquistados formalmente ; i á nadie le ha ocurrido disputar el ejercicio de la soberanía en ellos, á las respectivas naciones que los obtienen, so pretesto de que existen allí considerables parcialidades de indios aborígenes. Es por consiguiente inaceptable bajo todos aspectos la pretension de considerar á los pocos indios nómades ó estantes de Mosquitos, como nacion soberana é independiente, sea cual fuere el fin que se tenga al sustraerlos de su lejitima dependencia. Al dejar pasar tan pernicioso ejemplo, fácil seria subvertir completamente el orden en todas las naciones de la América,

would be easy completely to subvert the order of all the nations of America, by enticing the many hordes, tribes and parties of Indians, that exist in them to aspire to the character of sovereign and independent nations, and rebel against the Governments beneath whose auspices they ought to live.

Reflecting upon the powerful and incontestible reasons upon which the rights of New Granada to the peaceful possession of the Mosquito Coast, as far as the Cape of Gracias á Dios, are founded, and casting a retrospective glance upon the events which have taken place within the last few years, in order to contest these rights by means of an automatum chosen amongst indians and mestizoes, who wander about, accompanied by a few marauding adventurers, it becomes evident that this plan of action has been pursued, not because those rights were not understood, but from the conviction, that such injuries could be committed with impunity, because the nations on which they were inflicted, possessed no fleets wherewith to measure their strength against powerful aggressors. This sad and painful truth ought to open the eyes of the Governments of South America, and rouse them from the lethargy, in which they are sunk, in order to undertake ardently and effectually the honorable and brilliant task of possessing themselves (as is not difficult) of all the necessary means of defending their nationality, and making it respected by all foreign powers. And to obtain this end, it is but necessary to resolve to bring it to bear with a strong and determined will, as shall be demonstrated in another place.

New Granada, in her repeated protests against the violence with which attempts have been made to deprive

sonsacando la muchedumbre de hordas, tribus ó parcialidades de indios que cuentan en su seno, para que hagan el papel de naciones soberanas é independientes, i se rebelen contra el Gobierno bajo cuyos auspicios deben vivir.

Al reflexionar sobre las poderosas é incontestables razones en que se fundan los derechos de la Nueva Granada á la pacífica posesion de la Costa de Mosquitos hasta el cabo Gracias á Dios, i al dar una mirada retrospectiva sobre los acontecimientos que han tenido lugar de pocos años á esta parte, con el objeto de controvertir esos derechos por medio de un autómatas escogido entre unos pocos indios ó mestizos que vagan acompañados de algunos merodistas advenedizos, se viene en cuenta de que no se obra así por que se desconozcan los derechos, sino por el convencimiento de que pueden irrogarse impunemente semejantes agravios, por cuanto las naciones que los sufren carecen de escuadras para medir sus fuerzas en los mares contra poderosos agresores. Esta triste i abrumadora verdad, debiera abrir los ojos de todos los Gobiernos Sur-Americanos i sacarlos de la letargía en que se hallan sumidos, para entregarse con actividad i eficacia á la digna i brillante tarea de procurarse, como es mui posible, todos los medios necesarios para defender su nacionalidad i hacerla respetar de todo poder estrangero. Esto es asequible con solo querer llevarlo á cabo con voluntad firme i decidida, como podrá demostrarse palpablemente en otro lugar.

La Nueva Granada, al protestar repetidas veces contra la violencia con que se ha pretendido despojarla

her of the Coast of Mosquito, has not certainly been animated by the desire of retaining for herself those territories which would be burdensome and perhaps useless to her but by the feeling that she ought not to allow herself to be despoiled of her rights, — rights which she desires to concede with dignity by means of appropriate treaties to the States of Central America, with the exception perhaps of Costa Rica, as they would be prejudicial to her, according to the opinion of Mr. Felipe Molina, who, if we are to judge by a Memoir published by him in the year 1852, — appears rather to desire that coast to belong to the pseudo petty King of Mosquito, than to New Granada, and as this Memoir is a complete compilation of all the arguments made use of by Costa Rica within the last few years in favor of the frontier to which she pretends, while Mr. Molina has strengthened them with a great number of quotations, it will not be out of place to dedicate here a few paragraphs to the refutations of her allegations.

In order to avoid circumlocutions it is necessary to begin by declaring a truth well known to all who are in the least acquainted with the matters, namely: that Central America never made any pretensions to the territory of New Granada, and that Costa Rica alone, on finding herself without a port on the Atlantic, aspired to the possession of a part, if not of the whole Archipelago of Bocas del Toro, or at least to a port in the Bahía del Almirante. This ambition in itself might be deemed praiseworthy, if in order to carry it out, she had

de la Costa de Mosquitos, no ha obrado, ciertamente, por el interes de conservar para sí aquellos territorios, que le serian embarazosos, i que tal vez no le convienen, sino por que no debe consentir en que se le arrebaten sus derechos,—derechos que desea ceder dignamente i mediante los tratados del caso, á los Estados de Centro América, exceptuando tal vez el de Costa Rica, por serle perjudicial, segun la opinion del Sor. Felipe Molina, quien, si se ha de juzgar por una Memoria que publicó el año de 1852, parece mas contento de que aquella costa pertenezca al Régulo de Mosquitos que á la Nueva Granada. I como esta Memoria sea una completa recopilacion de cuantos argumentos ha hecho Costa Rica, de pocos años á esta parte, en favor de sus pretendidas fronteras, al paso que el Sor. Molina, los ha reforzado con gran cúmulo de citaciones, no será fuera de propósito consagrar aquí algunos párrafos á la refutacion de sus alegatos.

Desde luego es menester enunciar sin ambajes una verdad, aunque bien reconocida ya por todos los que se han orientado mas ó ménos en esta cuestion; á saber: que Centro América nunca tuvo pretensiones al territorio granadino, i que no ha sido sino Costa Rica la que al verse sin puertos en el Atlántico, i solo por esto, ha manifestado la insólita aspiracion, ya que no á todo el archipiélago de las Bocas del Toro, por lo ménos á una parte de él, o siquiera á un puerto en la Bahía del Almirante. Semejante aspiracion en sí, podria ser digna

availed herself of the means usually employed for making such acquisitions by all just nations who respect the rights and property of others ; but it becomes very censurable when we observe, that in order to satisfy it, she descends to chicanery and makes use of futile arguments or of such as would really prove the contrary, when we see quotations mutilated and facts alleged and disfigured with that species of dogmatism veiled with the appearance of sincerity that some authors think so fit to captivate the minds of their readers. In the course of the following, these truths will be proved without the necessity of particularizing them.

The Government of Costa Rica after having searched her archives in vain for any documents, wherewith to oppose the rights of New Granada, sent a Minister to Spain, with nearly the sole object of searching the archives of Madrid and Seville for something to exhibit, and having found absolutely nothing, contented herself by making copies of the permissions granted in the first years after the conquest to a certain Gutiérrez and Artieda Chirínos to discover, populate and pacify the province of Carthago or Costa Rica, as far as the limits of the province of Veráguas. Numberless are the observations that suggest themselves in order to prove the insignificance of such documents, but it will suffice to indicate a few in order to show how little they merit the importance attempted to be conferred upon them.

Accepting these documents without any contradiction, they would only prove that at the time of the discovery and exploration of America, Artieda and Gutiérrez obtained a transitory permission, under cer-

de elogio, si se emplearan para llevarla á efecto los medios usuales reconocidos para estas adquisiciones por todas las naciones justas que respetan la propiedad i derechos de las demas; pero ella es mui censurable desde que se observa que, para satisfacerla, se echa mano de la chicana i de una fútil argumentacion, á veces contraproducente, — cuando se ve, en fin, que se escatiman las citas i que se aseveran i desfiguran los hechos con aquel dogmatismo revestido de cierta especie de sinceridad que tan adecuado parece á algunos para subyugar el ánimo de los lectores. El curso de lo que se va á esponer probará por sí estas verdades, sin necesidad de particularizarlas.

El Gobierno de Costa Rica, despues de haber buscado en vano en sus archivos algunos documentos que contraponer á los derechos de la Nueva Granada, envió, casi expreso, un Ministro á España con el objeto de rebuscar en los archivos de Madrid i de Sevilla alguna cosa que exhibir, i no habiendo hallado nada absolutamente, se contentó con hacer copiar los permisos acordados en los primeros años de la conquista, á un tal Gutiérrez i á un Artieda Chirinos, para que descubrieran poblaran i pacificaran la provincia de Cartago ó Costa Rica, hasta los límites de la de Veraguas. Infinitas son las observaciones que ocurren para probar la insignificancia de tales documentos; pero bastará indicar algunas para que se vea desaparecer el valor que se les quiere dar.

Aceptando estos documentos, desnudos de toda contradiccion, ellos solo probarian que al tiempo del descubrimiento i esploracion de la América, Artieda i Gutiérrez obtvieron un permiso transitorio bajo ciertas

tain conditions to explore lands on the side of Costa Rica, and even as far as the part, not then well known, of the province of Veraguas, permission which in those times was conceded to thousands of persons, as the easiest and least costly method of subduing those countries. Can this be made to imply then that by the limits afterwards assigned to the province of Cartago or Costa Rica, Veraguas was dismembered? that province selected and named by the immortal Columbus and confided by him to his brother Bartholomow, in order that the latter might there establish the first Colony on the Continent of America? and it is precisely to that part of Veraguas that Costa Rica lays claim, notwithstanding that province having always preserved her integrity and her name since it was bestowed upon her by Columbus who also ordered a colony to be established there, when in 1502, after having reposed for some days in the archipelago of the Bocas del Toro, he penetrated by the Bay which from that time also was called of *Veraguas* or *the Admiral's*, and which lies at the northwest of the Archipelago. Where then exists the decree by which at any time the limits of the province have been altered? And even if (of which we are by no means certain) the province was explored by various parties, some entering by the side of Costa Rica, some from other regions, this proves nothing, because as all these lands were reputed as belonging to the same lord and master, there was no reason, why he should respect the limits of his own possessions, in order to explore them and reduce the Indians to obedience. On the contrary, he frequently varied those, which were marked according to the convenience of the local administration &c. Be-

condiciones, para explorar tierras por el lado de Costa Rica, i si se quiere, por la parte aun no bien conocida de la provincia de Veraguas, —permisos que se concedian entónces á millares de personas, como que era el medio mas fácil i ménos costoso de hacer la conquista de aquellos países ; Quiere esto decir, acaso, que en los límites que sucesivamente se fueron señalando á la provincia de Cartago ó Costa Rica, se segregó la parte que escogió i nombró *provincia de Veraguas* el inmortal Colon, i encomendó á su hermano Bartolomé para que fundara la primera colonia del continente americano ? Es precisamente esa parte la que Costa Rica pretende hoi apropiarse, sin embargo de que dicha provincia de Veraguas ha conservado su nombre i su integridad desde que Colon la llamó así i la mandó colonizar, cuando en 1502, despues de haber reposado por unos dias en el archipiélago de las Bocas del Toro, penetró por la Bahía que desde entónces se llamó tambien de *Veraguas* ó *del Almirante*, i que demora al noroeste del archipiélago. Dónde está, pues, la disposicion por la cual se han variado alguna vez los términos de dicha provincia ? El que hubiera, si es que los hubo, diferentes exploradores de ella, ya internándose de la parte de Costa Rica, ya viniendo de otras rejiones, nada prueba, por que reputándose todos aquellos países como de un mismo dueño i señor, este no tenia por qué respetar los límites de sus propias posesiones para el efecto de explorarlas i de reducir á los indios á su obediencia, ántes bien, variaba con frecuencia los que se solian marcar, segun convenia á la administracion local &c. Por otra parte, los límites de las provincias nunca fueron determinados bajo el Gobierno español de una manera precisa, por que seme-

to the convenience of the local administration &c. Besides, the limits of the provinces were never decided under the Spanish Government in a precise manner, because such precision was very difficult and not indispensable. It is on this account that neither before nor after the war of independence the provinces of those Spanish American States that have constituted themselves into Republics have known the boundary lines that separate them from each other, a difficulty that has been encountered by the States themselves, as is the case between New Granada and Costa Rica, for these Republics in their inland frontier line contain vast, unpeopled territories still undivided, forming that zone that in one of its extremities embraces all the coast of Golfo Dulce and a tract of many leagues more on the Northwest, and in the other a nearly equal portion of the Atlantic coast, commencing on the river Culebras or Doraces and continuing towards the Northwest. Besides, it is well known, that it was customary with the civil, and in their case, with the ecclesiastic authorities, to extend their jurisdiction as far as they could exercise it, or which is nearly the same, as far as the limits of population of the conterminous parish of the respective territory. For this reason all the intermediate unpopulated tracts were not considered as belonging to any of the territories or provinces, but as they became populated, attached themselves generally to the most immediate or formed a separate entity, and the same thing takes place to day and will continue to take place until all those regions become somewhat peopled, or until their perfect exploration permits correct maps to be drawn of each territory.

jante precision, sobre ser siempre difícil, no era indispensable: i es por eso que ni ántes ni despues de la guerra de independecia, han conocido las provincias de los Estados Hispano-Americanos, que se han constituido en Repúblicas, los linderos que las separaban unas de otras; dificultad con que han tropezado, aun los mismos Estados entre sí, como es el caso entre Nueva Granada i Costa Rica, cuyas Repúblicas cuentan en su línea fronteriza del interior, vastos territorios despoblados, que están proindiviso i son los que forman la zona que por una de sus estremidades abraza toda la Costa del Golfo Dulce i muchas leguas mas al Noroeste, i por la otra, una parte casi igual de la Costa del Atlántico, que empieza en el rio Culebras ó Doráces i sigue tambien hácia el Noroeste. Es bien sabido, ademas, que de ordinario las autoridades civiles, i en su caso, las eclesiásticas, estendian su jurisdiccion hasta donde alcanzaban á administrar, ó lo que viene á ser casi lo mismo, hasta donde alcanzaba la poblacion de la parroquia limítrofe de la respectiva comarca; razon por la cual todos aquellos espacios intermedios que se hallaban despoblados, no se consideraban adscritos á ninguna de las comarcas ó provincias; i si se poblaban, acrecian por lo comun á la mas inmediata ó formaban una entidad separada, que es lo que sucede hoi i continuará sucediendo hasta que todos aquellos territorios se encuentren medianamente poblados, ó hasta que la perfecta exploracion de ellos, permita levantar cartas exactas de cada comarca.

Si la permission acordada á Artieda i á Gutiérrez, i lo que estos hicieran, pudiera ser un buen argumento para establecer los límites en cuestion, por cuanto

If the permission granted to Artieda and Gutierrez, and what they did could be received as a valid argument by which to establish the limits in question, because those individuals were amongst the first explorers of those lands, even stronger titles might be alledged by New Granada, on account of the priority of the appointment given to Diego de Nicuesa as Governor of the district reaching from the Golfo de Urabá to the Cape of Gracias á Dios, and which was afterwards extended as far as Cabo de la Vela, taking the name of Tierra Firme instead of that of Castilla de Oro, until the Captain Generalship and Audience of Guatemala were established, at which time the whole Coast of Mosquito was placed under the rule of the Intendente of Comayagua.

There is no occasion therefore to recur to such remote times in order to desinter those permissions, which were issued by hundreds and which were reformed and revoked every day without producing any result, as happened with the lands assigned to Don Luis Colon in the province of Veraguas, which afterwards were ceded to the city of Natá. These proceedings were very natural in the midst of the chaos presented by the first years after the conquest, in which the only territories known by the conquerors were those on which they trode, in which the names of localities constantly changed, in which one Governor or explorer would say to-day, that such a province contained 60 leagues in length and next year another Governor would declare it only contained 20 or 25, as may be seen in all the memoirs and histories of that time. If to all these reasons we add that which has been already indicated, namely, that the

dichos individuos fueron de los primeros exploradores de aquellas tierras, aun mejores derechos podrian fundarse de parte de la Nueva Granada, por la prioridad que gozó la Gobernacion acordada á Diégo de Nicueza desde el Golfo de Urabá hasta el Cabo de Gracias á Dios; i que despues se estendió hasta el Cabo de la Vela, tomando el nombre de Tierra-firme, en lugar del de *Castilla de Oro*, hasta que se estableció la Capitanía Jeneral i Audiencia de Guatemala, en cuyo tiempo se puso toda la Costa de Mosquitos bajo la dependencia del Intendente de Comayagua.

No hai, por tanto, para qué ocurrir á tan remotos tiempos con el objeto de desenterrar provisiones de aquellas que se repartian por centenares i que se reformaban ó revocaban todos los dias, sin que hubiesen producido ningun resultado, como sucedió con los terrenos asignados á Don Luis Colon en la provincia de Veraguas, los cuales fueron poco despues cedidos á la ciudad de Natá, — procedimientos que eran mui naturales en medio del caos que presentaron los primeros años de la conquista, en que no se conocia mas terreno que el que se pisaba, en que los nombres de las localidades se cambiaban diariamente, en que un Gobernador ó explorador decia hoi que tal provincia tenia 60 leguas de longitud, i otro decia al año siguiente ó á los dos años, que solo tenia 20 ó 25, como se puede ver en todas las memorias é historias de aquel tiempo. Si á este cúmulo de razones, se agrega lo que ya se ha indicado, á saber, que los documentos exhibidos por el Sor. Mo-

documents exhibited by Mr. Molina say nothing that would lead to the belief, that any part of the province of Veraguas had been separated from it in order to join it to Costa Rica, it will be seen, that such quotations ought to have been omitted as irrelevant and worthless, as it would now be entirely useless for the purpose of defining limits to quote the explorations and colonizations &c. made in the territories above mentioned and in the remainder of the provinces of Guatemala by Don Pedro de Alvarado, Cristóbal de Olid, Don Antonio de Arbelo, Alfonso de Arce, González Dávila, Francisco de las Casas &c., whose works were continued and varied by many others without being able to obtain results, even tolerably correct from them, especially with respect to the chorography of their respective commissions.

In order to discover the truth of that which Costa Rica endeavours to controvert, it is necessary first to enter on other questions, and then to refer to more recent epochs.

Mr. Molina, speaking of the conquest of a territory named Talamanca, whose limits were then, as they still are, totally unknown, refers to various reports of the Governors of Costa Rica, in which an account is given of the existence of various tribes, naming among others those who were found in the Bay of Bocas del Toro, and in order to prove the inference he draws, that this part of Tierra Firme belongs to Costa Rica, he says: "Governor Granda, writing to the Captain General of Guatemala from Boruca on the 20th of February 1710, says the following:— Inform your Lordship that I have written to the President of Panama requesting him to

lina no dicen nada que induzca á creer que se hubiese segregado alguna parte de la provincia de Veraguas para agregarla á la de Costa Rica, se vendrá en cuenta de que tales citas han debido escusarse como incongruentes i de ningun valor, como serian inconducentes para el efecto de señalar límites hoi, las esploraciones, colonizaciones &c. hechas en los territorios mencionados i en los del resto de las provincias de Guatemala, por Don Pedro de Alvarado, Cristobal de Olid, Don Antonio de Arbelo, Alfonso de Arce, González Dávila, Francisco de las Casas &c., cuyas empresas fueron continuadas i variadas por otros muchos, sin que jamas llegara ninguno de ellos á dar resultados medianamente perfectos de sus trabajos, i ménos en lo relativo á la corografía de sus repectivas encomiendas.

Para hallar la verdad de lo que se trata de controvertir por parte de Costa Rica, se hace preciso entrar primero en otras cuestiones i aproximarse luego á épocas mas recientes.

Hablando el Sor. Molina de la conquista de un territorio llamado Talamanca, cuyos límites eran totalmente desconocidos, como lo son hoi todavía, alude á varios informes de los Gobernadores de Costa Rica, en que se da cuenta de la existencia de algunas tribus, nombrando, entre otras, las que se hallaban en la bahía de las Bocas del Toro; i para comprobar sus ilaciones sobre que esta parte de Tierra-firme pertenecia á Costa Rica, dice: “Escribiendo el Gobernador Granda al Capitan Jeneral de Guatemala, con fecha Boruca 28 de Febrero de 1710, dice entre otras cosas lo siguiente: — Doi cuenta á V. S. de cómo escribo al Presidente de

dispatch a french vessel towards the North, for the purpose of taking the mouth of the island of Tojar in order that I may be able to reduce them to surrender, and also those of the Bocas del Toro. If the vessel comes, the greatest service that has as yet been done in the Indias, will be rendered to God and the King our master, for the isle of Tojar contains three thousand zamboes and from Bocas del Toro to Matina there are more than ten thousand indians belonging to the conquest of Talamanca." And further on he says: "The missionary Fathers of Christ College, Guatemala, sent to the King of Spain in 1763 a circumstantial account of the state of the mission of Talamanca and others which had been placed under their care, entering into the history of the former from its origin. In that account it is stated, *that the conquest of Talamanca embraced a territory of 120 leagues from East to West, and from 30 to 40 from North to South.*" Then follow the names of the 7 tribes of which the mission was composed with the observation that three of them belonged to Tierra Firme and the remainder to the Audience of Guatemala.

Upon examining this part of the principal arguments upon which the conclusions of the above mentioned Memoir are based, it will be seen: 1st. that the request made by Governor Granda to the President of Panama to send a vessel to Bocas del Toro in order to aid in subduing the zamboes proves, if it proves any thing, that the said President held dominion and authority over those Islands and that the Governor intended to approach them in his persecution of the Indians in virtue of a commission he held to that effect, but does

Panamá, i le pido envíe una nao francesa por la parte del Norte, á tomar la boca de la isla de Tojar, para que yo los pueda reducir á rendirse, i á los de la Boca del Toro tambien, que si viene se hará el mayor servicio á Dios i al Rei nuestro amo, que se habrá hecho hasta hoi en las Indias, por que son tres mil zambos los de la isla Tojar, i desde las Bocas del Toro á Matina hai mas de diez mil indios que son de la conquista de Talamanca.” I mas adelante dice: “Los Padres misioneros del colejo de Cristo de Guatemala, enviaron en 1763, al Rei de España, una relacion circunstanciada del estado que tenian las misiones de Talamanca i otras que les estaban encargadas, entrando en la historia de aquella desde su origen. Allí pues, se esplica, *que la conquista de Talamanca abrazaba un territorio de 120 leguas de Oriente á Poniente, i 30 á 40 de Norte á Sur:*” luego sigue la denominacion de las 7 tribus de que se componia, diciéndose que tres de ellas pertenecian á Tierra-firme i las otras á la Audiencia de Guatemala.

Si se examina esta parte de los principales alegatos en que se apoyan las conclusiones de la Memoria mencionada, se verá: 1º Que el hecho de pedir el Gobernador Granda al Presidente de Panamá que envíe una nao á las Bocas del Toro para que ayude á someter á los zambos, si algo prueba es, que dicho Presidente tenia dominio ó autoridad sobre aquellas islas, i que el Gobernador pensaba aproximarse á ellas en persecucion de los indios, por comision que habria tenido al efecto; mas de ninguna manera se puede colegir, ni re-

not even remotely lead to the idea, that those Islands belonged to Costa Rica. 2d. That the missionaries believed that what was termed *Talamanca* began from las Bocas del Toro, judging probably that the Audience of Tierra Firme extended more or less to the northeastern extremity of these islands. 3d. That all these documents are vitiated by the complete ignorance and uncertainty manifested in their contents. One of the simplest proofs of this assertion is the inconceivable and stupendous carelessness with which it is asserted that the province of Talamanca contains 120 leagues from east to west and from 30 to 40 from north to south. ¿Who that has formed the least idea of what is understood by the said province, by Costa Rica herself, and of the width of the Isthmus on the side of which we speak, but will understand that the reporters were entirely ignorant of the principal points of the affair entrusted to them? Neither can it be said that they intended to include the province of Veraguas in those limits, as they could not be adapted to it. Nor was it possible that they should be ignorant of a remarkable and notorious fact in the history of America, which is, that the name of the province of Veraguas was given by Christopher Columbus especially to the Bay and Islands of Bocas del Toro and to the continent northwest of them, which was the point, where he disembarked and where, as already has been said, he ordered his first colony to be founded. This name was never changed, there being no occasion for it and also because such a proceeding would have been looked upon as a profanation that nothing could excuse.

Mr. Molina deploras that, “neither in the Code of

motamente, que dichas islas correspondian á Costa Rica: 2° Que los misioneros creian que lo que se llamaba *Talamanca*, empezaba desde las Bocas del Toro, estimando, probablemente, que hasta la estremidad Noroeste de estas alcanzaba, poco mas ó ménos, la Audiencia de Tierra-firme; 3° en fin, que todos estos informes están viciados por una completa ignorancia ó incertidumbre de cuanto se emite en ellos, siendo una de las mas sencillas pruebas de este aserto, la inconcebible i estupenda inexactitud con que se asienta que la provincia de Talamanca tiene 120 leguas de Oriente á Poniente, i de 30 á 40 de Norte á Sur. ¿Quién que tenga la menor nocion de lo que se ha entendido por dicha provincia, de lo que es Costa Rica, i de la anchura del Istmo por el lado de que se trata, no vendrá en cuenta de que los informantes ignoraban, nada ménos que la parte principal del negociado que se les habia encomendado? I no es creible que se pretendiese comprender en aquellas dimensiones la provincia de Veráguas, pues, ni se podian adaptar á ella, ni era posible que tambien ignorasen los informantes un hecho tan culminante i notorio de la historia de América, qual es el nombre de provincia de Veráguas, dado por Cristobal Colon, con especialidad á la bahía é islas de las Bocas del Toro i á la parte Noroeste de ellas, en el continente, que fué donde desembarcó i donde, como se ha dicho, mandó establecer su primera colonia: nombre que jamas se varió, ya por que no hubo necesidad, ya porque tal procedimiento se habria mirado como una profanacion que con nada podria cohonestarse.

Deplora el señor Molina que “ni en las leyes de In-

laws for the Indias nor elsewhere is a law to be found that finally determined the line that should separate the jurisdiction belonging to the Audience of Tierra Firme from the jurisdiction belonging to Guatemala.” This is a fact, for the regulations then existing were limited to declaring that the jurisdiction of Tierra Firme should reach as far as the province of Veraguas inclusive, and that, that of Guatemala should begin in the province of Costa Rica, and it was this want of precision (which is always observable on the subject of the limits and boundaries of all the regions and provinces which belonged to Spain in America) that suggested to the Government of Costa Rica the idea of laying claim to the Archipelago and Bay of Bocas del Toro; but nevertheless this want cannot give weight to the pretensions of Costa Rica, understanding as it must be understood, because it is a self evident fact, that the province of Veraguas has always belonged to Tierra Firme; and if on one side it is true that its extreme limits on the frontier of Costa Rica are not clearly defined, because these limits are lost and confounded in the midst of regions as yet untrod by human foot, on the other side it is certain also that the extreme limits of Costa Rica towards New Granada are still more undefined and obscure on account of its small frontier villages being at an immense distance from those yet undivided deserts in which the limits of New Granada are lost.

To complete the first and principal summary of the pretended rights of Costa Rica, the following individuals are cited as authorities, namely: Herrera, Navarro and Alcedo, and also Don Domingo Juarros, who has been always looked upon as the Achilles of argu-

días, ni en ninguna otra parte se encuentra una lei que señalase terminantemente la línea que debia separar la jurisdiccion perteneciente á la Audiencia de Tierra-firme, de la jurisdiccion perteneciente á la Audiencia de Guatemala;” lo cual es exacto, por que las disposiciones de entónces solo se limitaron á decir, que la de Tierra-firme alcanzaria hasta la provincia de Veráguas inclusive, i que la de Guatemala empezaria en la provincia de Costa Rica: i fué esta falta de precision (que se observará siempre en punto á los límites ó fronteras de todas las rejiones i provincias que pertenecieron á España en América) lo que sujirió al Gobierno de Costa Rica algo de qué asirse para alegar derechos al archipiélago i bahía de las Bocas del Toro. Mas ya se ve que este vacío no puede prestar asidero á la pretension de Costa Rica, aceptando, como es preciso que se acepte, por que es evidente, el hecho de que la provincia de Veráguas siempre ha pertenecido á Tierra-firme; i que si de una parte es verdad que sus últimos límites por el lado de Costa Rica no están bien determinados, por que se pierden i confunden en medio de territorios no hollados todavía por la planta humana, de otra es cierto tambien, que los últimos límites de Costa Rica, por el lado de Nueva Granada, son aun mas indeterminados i oscuros, por estar sus pequeñas poblaciones limítrofes á una distancia inmensa de los mismos desiertos pro-indiviso en que la Nueva Granada se pierde.

Para completar el primero i principal cuadro de los pretendidos derechos de Costa Rica, se cita como autoridad á un tal Herrera, á un Navarro, á Alcedo, i á Don Domingo Juarros, quien siempre ha sido presentado como el Aquiles de todas las argumentaciones; termi-

mentations, and finally reference is made to the following maps. 1st. That of Mexico published in Paris in 1650 by Sanson d'Abbeville. 2d. That of Mexico and Florida, published by one d' Yœerville le Sueur in 1703, and 3d that of the British Empire in America, published in Amsterdam by one Gonvents and Cornelius Mortier.

The authorities of Navarro, Herrera and Alcêdo are so worthless on this point, that even in the short phrase, in which reference is made to the boundaries of Costa Rica, they express themselves with so much indecision and such manifest contradiction, that at the first glance it is evident that they agree in placing the boundary line on the side of the Bay of San Gerónimo or Caribaco, though distancing 20 or 25 leagues one from the other, because the line must be drawn somewhere and it appeared to them easiest to place it where they fancied it ought to be. So that even allowing, as we ought, that the author of the precited Memoir is not mistaken in what he says, he could gain nothing by this quotation. Besides, the reference to Alcêdo seems a little doubtful, if Don Antonio de Alcêdo is meant, as the maps published by him fix the boundary line between New Granada and Costa Rica on the Pacific side in the centre of Golfo Dulce, and on the Atlantic on the river of Culebras or Doraces or Changuene. The authority of Don Domingo Juarros, champion of the rights of Costa Rica has been and will be rejected by New Granada and by all who peruse his work on account of the prejudice observable in it, as he was a native of Guatemala and published his work during the heat of the war of independence: also because speaking of the limits in question he leans entirely on the assertions

nando por citar tambien los mapas siguientes: 1° el de Méjico, publicado en Paris en 1656 por Sanson d'Abbeville, — 2° el de Méjico i la Florida, publicado por un tal d'Yoerville le Sueur en 1703, — i 3° el del Imperio Británico en América, publicado en Amsterdam por los llamados John Gonvents i Cornelius Mortier.

La autoridad de Navarro, Herrera i Alcedo es tan baladí á este respecto, cuanto que en la corta frase en que se refieren á los límites de Costa Rica se espresan con tanta incertidumbre i con tan manifiesta contradiccion, que á primera vista se conoce que terminaron la línea divisoria por el lado de la bahía de san Gerónimo ó Caribaco, difiriendo en 20 á 25 leguas unos de otros, porque debian cerrarla por alguna parte, i les pareció lo mas cómodo hacerlo por donde se figuraban que podria ser. De manera que aun dando por sentado, como es debido, que el autor de la precitada Memoria no se haya equivocado en lo que dice, nada podria adelantar con su cita. Ademas, la relativa á Alcedo parece un poco dudosa, si se refiere á Don Antonio de Alcedo, pues los mapas que este publicó fijan la línea divisoria entre Nueva Granada i Costa Rica, por la parte del Pacífico, en el seno del Golfo Dulce, i por la del Atlántico, en el rio de las Culebras ó Doráces, ó sea Changuene. La autoridad de Don Domingo Juarros, protagonista de los derechos de Costa Rica, ha sido i será, con sobra de razon, rechazada por la Nueva Granada i por cuantos lean su libro, ya por que se resiente de parcialidad, como que él era guatemalteco i publicó su obra en medio de la conflagracion de la guerra de independencia, ya por que hablando de los límites en cuestion, se refiere enteramente á las relaciones de un Ceballos de

of one Ceballos of Costa Rica, an unknown personage, also because the numerous errors of which the greatest part of his work is composed, clearly show that it cannot be admitted as an authority of any weight or value.

Now regarding the maps which are quoted, according to the confession of Mr. Molina, their authors differ more widely still as to the boundary line, than the above named historians, which fact excludes them as authorities, even without taking into consideration the obscurity of their names.

New Granada has in her favor nearly all the historians, travellers, geographers and classic hydrographers ancient or modern, and so numerous are they, that it would be superfluous to quote them here, as it is enough to invite all who have any interest in this question to open whatever history or official map or maps of respectable parties they find on the subject, with the assurance that they will always find the boundaries of New Granada where she herself has declared them to be. Nevertheless, by way of example the following works may be quoted: those of Don Juan de la Cruz Cano, d'Anville and Robert de Var Goudry, those of Fanden and Jeffery's, those of Don José López Arpudia and many others equally select who place said limits in the centre of Golfo Dulce on the one Ocean and on the river Culebras or Doraces on the other, and which boundaries were constantly recognized by the Spanish authorities in the past and present century. In accordance with these works is the chart drawn by order of the Viceroy of the New Kingdom of Granada Don José de Espeleta and several others which are to be found in

Costa Rica, que no se sabe quien es, ya en fin, porque los multiplicados errores de que se compone la mayor parte de su dicho libro, manifiestan claramante que no se puede aducir como autoridad de ningun peso ni consecuencia.

Ahora, con referencia á los mapas que se citan, segun confesion del mismo señor Molina, difieren sus autores en la línea de demarcacion, todavía mas que los apellidados historiadores, lo cual los escluye como autoridades, sin contar con la oscuridad de sus nombres.

La Nueva Granada cuenta en su favor casi todos los historiadores, viajeros, geógrafos é hidrógrafos clásicos, tanto antiguos como modernos, i en tal abundancia, que estaria por demas citarlos aquí, pues basta invitar á todos los que tengan interes en esta cuestion, á que abran cuantas historias i mapas oficiales ó de personas respetables encuentren sobre la materia, seguros de que siempre hallarán los términos de la Nueva Granada donde esta los ha enunciado. Pueden citarse sin embargo, por vía de muestra, las obras de Don Juan de la Cruz Cano, las de D'Anville i Roberto de Van Goudry, las de Fanden i de Jefferys, las de Don José López Arpudia i otras muchas igualmente selectas, que señalan tales límites en el seno de Golfo Dulce por el un Oceano, i el rio de las Culebras ó Doráces por el otro, i cuyas demarcaciones fueron seguidas constantemente por las autoridades españolas en el siglo pasado i en el presente. De acuerdo con estos trabajos se halla tambien la carta mandada levantar por órden del Virei del Nuevo Reino de Granada, Don José de Espeleta, i otras varias que se hallan en los archivos del Vireinato. A

the archives of the Viceroyalty. To these may be added those made in 1795 by Thomas Kitchin, hidrographer to his Britanic Majesty, the Admiralty Chart by captain Owens, Arrowsmith's map, the maps of Lawrise, of Laurie and Whittle, of Roberts, of Wyld, of Collins and of Ulloa, the chart made by captain Barnett, the maps and other works of Acosta, the maps of Colonel Codazzi &c. &c. Many other works published and in manuscript might be quoted, but as has already been observed, this would be superfluous, especially when the observations that have been made are sufficient to indicate the path to those who desire to investigate this affair.

Perhaps it will not be out of place to terminate this part of the subject by inserting a paragraph extracted and reasonably accepted by Mr. Molina from the works of Don Antonio de Ulloa, as a very respectable authority.

“The city of Panamá, he says, is not only the capital of its province, but of all the Kingdom of Tierra Firme, which consists of the three provinces of Panamá, Darien and Veráguas. The first is the head quarters of all the Government Offices on account of being situated between the other two, Darien on the East and Veraguas on the West. The Kingdom of Tierra Firme commences at the North in the river of Darien, and extending itself by Nombre de Dios, Bocas del Toro and Bahía del Almirante, terminates in the West in the river Dorados (Doraces) in the Northern sea; and in the Southern sea, beginning at the west, extends from Punta Gorda in Costa Rica by the Punta de Moriatos and Maria Puercos to the Gulf of Darien, from which

estas pueden agregarse las trabajadas en 1795 por Tomas Kitchin, hidrógrafo de S. M. B., la carta del Almirantazgo por el Capitan Owens, los mapas de Arrow-smith, de Lawrise, de Laurie i Whittle, de Roberts, de Wyld, de Collins, i de Ulloa, la carta levantada por el capitan Barnett, los mapas i demas obras de Acosta, las cartas del Coronel Codazzi &c. Aun podrian citarse otros muchos trabajos publicados ó inéditos; mas como se ha dicho, esta seria una molestia superflua, máxime cuando las alusiones que quedan hechas bastan para indicar el camino á los que deseen hacer investigaciones sobre este asunto.

Acaso no será fuera de lugar terminar este punto con la insercion de un párrafo tomado i aceptado con razon por el Sor. Molina, de las obras de Don Antonio de Ulloa, como de autoridad mui respetable.

“La ciudad de Panamá, dice, es no solamente capital de su provincia, sino tambien de todo el Reino de Tierra-firme, que consiste de las tres provincias de Panamá, Darien, i Veraguas. La primera es el asiento de todas las oficinas del Gobierno, por hallarse situada entre las otras dos, el Darien quedando al Oriente i Veraguas al Occidente. El Reino de Tierra-firme comienza per el lado del Norte en el rio de Darien, i estendiéndose por el Nombre de Dios, Bocas del Toro i Bahía del Almirante, termina por el Poniente, en el rio de los Dorados (Doráces) en el mar del Norte; i por el mar del Sur, comenzando por el Poniente, se estiende desde Punta Gorda en Costa Rica por la Punta de Moriatos i María Puercos, hasta el Golfo de Darien, donde continúa hácia el Sur, siguiendo la Costa por la Punta

it stretches southward, following the coast by Punta de Pinos and Maria Quemada to the Bay of Buenaventura.”

New Granada has a perfect right to the frontier which has been indicated on the Atlantic Coast, not only for the reasons referred to, which doubtless are not the strongest, but from various other titles, each one of which completely destroys the weak allegations of Costa Rica as will presently be seen.

Amongst these titles is to be numbered the Royal Ordinance of 30th November 1803 by virtue of which the Islands of San Andres and the Mosquito Coast from Cabo Gracias á Dios inclusive to the river Chagres, were separated from the Captain Generalship of Guatemala/and reincorporated into the Viceroyalty of the new Kingdom of Granada.

Mr. Chatfield, British Agent in Guatemala, writes to Viscount Palmerston in 1847 striving to depreciate the value of that Ordinance, as was natural according to his views, amongst other things already related by Mr. Molina, the following:

“In my opinion the line of boundary which Her Majesty’s Government should insist upon as absolutely essential to the well being of the Mosquito state, is that tract of sea-board situated between the right bank of the river Roman, where several english mahogany works are established (but which are much annoyed and harrassed by the undue interference of the Honduras Government), and the left hand of the river St. John, — an extent of territory, it is asserted, that the Mosquito Indians have, ever since the country was known to Eu-

de Pinos i María Quemada, hasta la Bahía de Buena-ventura.”

La Nueva Granada tiene derechos perfectos hasta la frontera que se ha indicado por la parte del Atlántico, no como quiera por las razones referidas, que sin duda no son las mas fuertes, sino por otros diversos títulos que aniquilan completamente, cada uno de por sí, los débiles alegatos de Costa Rica, como se verá mas adelante.

Entre estos títulos cuenta el que le da la Real Cédula de 30 de noviembre de 1803, por la cual se segregaron definitivamente de la Capitanía Jeneral de Guatemala las islas de San Andres i la Costa de Mosquitos, desde el Cabo Gracias á Dios inclusive, hácia el rio Chágres, i se reincorporaron al Vireinato del Nuevo Reino de Granada.

Mr. Chatfield, Ajente Británico en Guatemala, escribe al Vizconde Palmerston en 1847, tratando de apocar el valor de aquella Cédula, como era natural á sus miras, entre otras cosas relacionadas ya por el Sor. Molina, lo siguiente:

..... “En mi opinion, la línea limítrofe en que el Gobierno de S. M. debe insistir, como absolutamente esencial al bien éstar del Estado de Mosquito, es el trecho de Costa situado entre la orilla derecha del rio Roman, donde se han establecido varias obras (works) inglesas de caoba (pero que son molestadas é interrumpidas por la indebida intervencion del Gobierno de Honduras), i la izquierda del rio San Juan, — cuya estension de territorio se asegura han poseido i usado los indios Mosquitos, sin que ningun otro pueblo haya inter-

ropeans, possessed and used without any other people whatsoever interfering with their native right of doing so."

"Various reports upon the boundaries of the Mosquito shore, the condition of the people and the number of the settlements exist, showing the correctness of these limits; and the historian Juarros, whose testimony cannot be doubted, in such a matter, describes two provinces peopled by uncivilized Indians, as lying between the provinces of Comayagua and Nicaragua, which, he says extend along the Atlantic Coast from the river Aguan or Roman to that of St. John."

"The Government of New Granada, in soliciting Her Majesty's Government to entertain a discussion with it upon the boundary of Mosquito, evidently aims at obtaining the powerful sanction of Great Britain to territorial pretensions of considerable magnitude, embracing an extent of upwards of eighty leagues of sea-board from Cape Gracias á Dios to St. John's river, and involving the suppression of the small State of Costa Rica along the entire Atlantic Coast, with a view to place under the control of New Granada the navigation of the river St. John, and consequently of the lakes of Nicaragua and the intended ship-canal, so as to render it impossible for any one at any time to undertake the connexion of the two Oceans by means of the river St. John and the Lake of Nicaragua, without its previous concurrence and cooperation."

Mr. Chatfield had before stated that the ordinance referred to was expedited as a purely military measure,

venido en su derecho natural (native) de hacerlo así, desde que el país fué conocido por los europeos.”

“Existen varios datos sobre los límites de la Costa de Mosquito, la condicion del pueblo i el número de los establecimientos, que muestran la exactitud de estos límites; i el historiador Juarros, cuyo testimonio no puede revocarse á duda en materia semejante, describe dos provincias pobladas por indios salvajes, que quedan entre las provincias de Comayagua i Nicaragua, las cuales, dice, se estienden á lo largo de la Costa del Atlántico, desde el rio Aguan ó Roman hasta el San Juan.”

“El Gobierno de la Nueva Granada al solicitar del Gobierno de S. M. que tenga con él una discusion sobre los límites de Mosquito, evidentemente tiene en mira obtener la sancion poderosa de la Gran Bretaña á pretensiones territoriales de una magnitud considerable, abrazando una estension de mas de ochenta leguas de Costa desde el Cabo de Gracias á Dios hasta el rio San Juan, i envolviendo la supresion del pequeño Estado de Costa Rica á lo largo de toda la Costa del Atlántico, con el objeto de colocar bajo el dominio de la Nueva Granada la navegacion del rio San Juan, i por consiguiente los lagos de Nicaragua i el proyectado canal, de modo que se haga imposible el que llegue jamas á emprenderse la comunicacion de los dos oceanos por medio del rio San Juan i del lago de Nicaragua, sin su concurrencia i cooperacion previas.”

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Antes habia indicado Mr. Chatfield, que la citada Cédula se habia expedido como una medida puramente

and Mr. Molina, wishing to use this assertion in favor of Costa Rica, presents it as a decisive and conclusive argument. In the same manner he leans upon other opinions equally valueless, for they are weakened by inexactness and partiality, and dilate upon the expediency of wresting the Mosquito Coast from New Granada or any other part that might be convenient for the ridiculous plans of the improvised King or automatum of the Mosquitos.

Mr. Molina not satisfied with the injustice intended towards New Granada in thus despoiling her of her rights to that coast as far as Cape Gracias á Dios, insinuates the idea that Mr. O'Leary, Chargé d'Affaires of the British Government in Bogotá did not consider that New Granada had any right to the possession of the Lake of Chiriqui. If Mr. Molina had inserted all Mr. O'Leary's note in English, it would be perceived that he did not even intend to make such an assertion, and that notwithstanding his venturesome asseveration that New Granada had no possessory rights beyond the Lake of Chiriqui, he never attempted to deny that the lake itself belonged to her, incidentally adding that a settlement had been formed there.

The note is as follows:

“Mr. O'Leary to Viscount Palmerston.

(Extract.)

“Bogotá, June 29, 1847.

“With reference to your Lordship's despatch of the 16th of February last, and to my despatch of the 10th ultimo, both on the subject of the boundaries of the

militar, i el Sor. Molina, queriendo esplotar en favor de Costa Rica semejante indicacion, la presenta como una cosa decisiva i concluyente, de la misma manera que se apoya en otras igualmente rechazables, por estar viciadas de inexactitud i parcialidad, i que versaban sobre la conveniencia de arrebatar los territorios de la Costa de Mosquitos á la Nueva Granada, i lo demas que se estimase conducente á los incalificables planes en que jugaba el improvisado Rei ó autómatas de Mosquitos.

I no contento el Sor. Molina con la injuria que se irrogaba á la Nueva Granada, queriéndola despojar por esos medios de sus derechos á aquella costa hasta el cabo Gracias á Dios, pretende insinuar la idea de que el Sor. O'Leary, Encargado de Negocios del Gobierno Británico en Bogotá, no consideraba á la Nueva Granada con derechos posesorios en la Laguna de Chiriquí. Si el Sor. Molina hubiese insertado toda la nota del Sor. O'Leary, en ingles, se veria que este, ni siquiera ha intentado decir tal cosa, i que no obstante su aventurada aseveracion sobre que la Nueva Granada no tenia derechos posesorios desde la Laguna de Chiriquí, no se atrevió á negarle que esta Laguna le pertenecia, agregando incidentalmente que en ella habia formado un establecimiento.

La nota es como sigue:

“Mr. O'Leary al Vizconde Palmerston.

“Bogotá, Junio 29 de 1847.

“Con referencia al despacho de su Señoría de 16 de febrero último, i á mi nota del 10 último, ámbas sobre la cuestion de límites del territorio de Mosquito,

Mosquito Territory, I have the honour to acquaint your Lordship that I have endeavoured to obtain some authentic information respecting the boundary claimed by the King of Mosquito. Until lately, when a claim was asserted by some civil and military servants of Her Majesty, on behalf of the King of Mosquito, to certain portions of the coast to the south of the River San Juan, I understand that the river was the southern boundary of the King's territory. And as far as a title can be acquired by a state of perfect independence, by long and uninterrupted possession, and the cultivation of the soil, by the absence of any Spanish establishment or settlement whatever, and even by the recognition of that independent State in former times by Spanish authorities, the title of the King of Mosquito to the territory between Cape Cameron and the River San Juan, cannot be fairly disputed.

“Nevertheless, both Central America and New Granada assert a right to that portion of the coast lying between the Chiriquí Lagoon and Cape Gracias á Dios. Both these Republics pretend to derive their rights from the Kings of Spain. On a former occasion I stated facts which in my opinion destroyed or impaired those rights; but assuming that the Spanish sovereigns had a perfect right of dominion over the contested territory, it would appear that the right devolved upon New Granada rather than upon Central America, for under the colonial rule, the jurisdiction over the territory in question, after being transferred with frequency from the Viceroyalty of New Granada to the Captain-Generalship of Guatemala (now Republic of Central America) and *vice versa*, and at one time from that of

m tengo el honor de poner en conocimiento de su Señoría, que he procurado obtener algunos informes auténticos respecto de los límites reclamados por el rei de Mosquito. Hasta ahora poco, cuando se sostenia por algunos servidores civiles i militares de S. M. un derecho en favor del rei de Mosquito á ciertas porciones de la Costa al Sur del rio San Juan, entiendo que aquel rio era el límite meridional del territorio del rei. I miéntras que se pueda adquirir un título fundado en un estado de perfecta independendencia i en una posesion de mucho tiempo no interrumpida, en el cultivo del suelo, en la ausencia de establecimiento español alguno, ú otra colonia cualquiera, i aun en el reconocimiento de aquel Estado independiente, hecho en tiempos anteriores por autoridades españolas, el título del rei de Mosquito al territorio que queda entre el cabo Cameron i el rio San Juan, no puede disputársele con justicia.

“No obstante, tanto Centro América como Nueva Granada sostienen tener derecho á aquella porcion de la costa que queda entre la laguna de Chiriquí i el cabo de Gracias á Dios. Estas dos repúblicas pretenden derivar sus derechos de los reyes de España. En otra ocasion espuse hechos que en mi opinion destruian ó debilitaban aquellos derechos; pero suponiendo que los soberanos españoles hubiesen tenido un perfecto derecho de dominio sobre el territorio disputado, apareceria que aquel derecho debia recaer sobre Nueva Granada mas bien que sobre Centro América, porque bajo el régimen colonial la jurisdiccion sobre el territorio en cuestion, despues de haber sido transferida frecuentemente del Vireinato de la Nueva Granada á la Capitanía Jeneral de Guatemala (ahora República de Centro Amé-

both these colonies to the Captain-Generalship of Cuba, was finally restored to New Granada by Royal letters patent, dated the 20th of November 1803.] Therefore if the right of the spanish Sovereigns was valid, so also is that of New Granada, and consequently the pretension of Central America is arbitrary and null, and the insignificant establishment at the mouth of the River San Juan and that at Matina or port of Cartago, are usurpations. Therefore it is not necessary, and it may be prejudicial to the object your Lordship has in view, to enter into negociations with Central America, which Republic cannot confer rights which do not belong to her, at least as far as regards the sea-board.

“The question, then, lies between the King of Mosquito and New Granada. This Republic has no possessory rights on the coast between the Chiriquí Lagoon, in the vicinity of which, at Boca del Toro, she formed a settlement, and the River San Juan; and I am inclined to believe, that the Granadian Government would gladly accept that river as the northwestern boundary of the Republic. And looking at the map, the River San Juan would seem to afford to the King of Mosquito a distinct and secure boundary line on that frontier.

“But the extent and importance of the tract of coast situated between the River San Juan and the Chiriquí Lagoon cannot be overlooked in connection with the interest of the King of Mosquito. If the pretensions of the King to this portion of the coast could be maintained, the Chiriquí Lagoon, which affords safe anchorage, would likewise form a secure frontier.

rica) i *viceversa*, i una vez del de estas dos colonias á la Capitanía Jeneral de Cuba, fué finalmente restituida á la Nueva Granada por una real Cédula fechada á 20 de Noviembre de 1803. Por tanto, si el derecho de los soberanos españoles era válido, lo es tambien el de la Nueva Granada, i por consiguiente la pretension de Centro América es arbitraria i nula, i el insignificante establecimiento de la embocadura del rio San Juan, i el de Matina ó puerto de Cartago, son usurpaciones. Así, no es necesario, i puede ser perjudicial al objeto que su Señoría tiene en mira, entrar en negociaciones con Centro América, cuya república no puede conferir derechos que no le pertenecen, á lo ménos en cuanto respecta á la costa del mar.

“La cuestion, pues, pendiente, está entre el Rei de Mosquito i Nueva Granada. Esta República no tiene derechos de posesion sobre la costa que media entre la Laguna de Chiriquí, cerca de la cual, en Boca del Toro, formó un establecimiento, — i el rio San Juan; i me inclino á creer que el Gobierno Granadino aceptaria de buena gana aquel rio como el límite Noroeste de la República. I consultando el mapa se verá que el rio San Juan parece suministrar al Rei de Mosquito una línea limítrofe distinta i segura sobre aquella frontera.

“Pero la estension é importancia de la porcion de costa situada entre el rio San Juan i la Laguna de Chiriquí, no puede dejarse pasar por alto, en connexion con los intereses del Rei de Mosquito. Si las pretensiones del Rei á esta porcion de la costa pudieran sostenerse, la Laguna de Chiriquí, que ofrece un anclaje seguro, formaria tambien una frontera segura.

“I would therefore respectfully suggest the expediency of setting the whole question at rest, by means of a negotiation with New Granada.

„After effecting an arrangement with New Granada, it will not perhaps be difficult to obtain, should it be deemed expedient, the concurrent consent of those provinces of Central America which are conterminous to the Mosquito Territory.

“As I stated to your Lordship in my dispatch of the 10th ultimo, I have no means of ascertaining the limits claimed by the King of Mosquito or the Republics of New Granada and Central America in the interior of the disputed country. I have confined my observations to the coast, and therefore only point out on the map herewith inclosed (executed by Mr. Vice-Consul Mark), by yellow lines, the tract to which New Granada and Central America lay claim, remarking at the same time that it is very recently, that Costa Rica, a province of the latter, has abandoned her pretensions to the Chiriquí Lagoon and the district between it and the River Chagres. The boundary proposed for the King of Mosquito is marked on the map by red lines.”

It appears then, that, notwithstanding the error or doubt under which Mr. O’Leary labored regarding the rights of New Granada to the Mosquito Coast, far from denying her those she has to the Lake of Chiriquí, he candidly acknowledges them, and allows it to be understood that were it not decreed that there must be a King of Mosquito, the rights of New Granada to the said coast from the Granadian lake of Chiriquí as far as Cape Gracias á Dios, would be indubitable in virtue of the Ordinance of 1803.

“Yo, pues, sugeriria respetuosamente la conveniencia de zanjar la cuestion por medio de una negociacion con la Nueva Granada.

“Despues de efectuar un arreglo con la Nueva Granada, no será tal vez dificil obtener, si se cree conveniente, el que concurren á prestar su consentimiento aquellas provincias de Centro América limítrofes del territorio de Mosquito.

“Como manifesté á Su Señoría en mi despacho del 10 último, no tengo medios de determinar los límites á que tiene derecho el rei de Mosquito, ó las Repúblicas de Nueva Granada i Centro América en el interior del país disputado. He limitado mis observaciones á la costa, i así solo señalo sobre el mapa que incluyo (ejecutado por el Sor. Vice-Cónsul Mark); con líneas amarillas, el trecho á que Nueva Granada i Centro América alegan derecho, observando al mismo tiempo que es mui recientemente que Costa Rica, provincia de la última, ha abandonado su pretension á la Laguna de Chiriquí i el distrito entre esta i el rio Chágres. El límite propuesto para el Rei de Mosquito está marcado en el mapa con líneas encarnadas.”

Como se vé, pues, á pesar del error ó duda en que se encontraba el Sr. O’Leary respecto de los derechos de Nueva Granada á la Costa de Mosquitos, léjos de negarle á aquella los que tiene á la Laguna de Chiriquí, los reconoce paladinamente, i deja entrever que á no ser por que estaba decretado que habia de haber Rei de Mosquitos, los derechos de la Nueva Granada á dicha costa, desde la laguna granadina de Chiriquí hasta el Cabo Gracias á Dios, serian indisputables en virtud de la Cédula de 1803.

Consequently, and this opinion being in conformity with that of other authorities accepted by Mr. Molina, as will presently be seen, it is evident that if by a fatality, the rights of New Granada to the coast which stretches from Cape Gracias á Dios to the mouth of the river St. John were wrested from her, on the pretext that they belong to a certain King, the remainder of the said Coast as far as Rio Culebras, or even to the lake of Chiriquí, would indisputably belong to New Granada, because the above mentioned authorities, (Walker and Chatfield) thought proper to decide that the claim of the said King extended only as far as the St. John, and that New Granada and not Costa Rica had the right to the remainder of that coast, as the question only arose between her and the Mosquito King. It is true that this declaration, frequently reiterated by the British Government was afterwards modified by one of its subaltern agents who at the time of presenting it inserted various phrases which in a certain degree altered its meaning, and which were allowed to remain to avoid giving umbrage to the said Agent. But these phrases were in themselves insignificant, for which reason the British Government took no further notice of them nor could it, even if it wished, for never could it support the idea that the Bocas del Toro or any other portion of the ancient province of Veraguas had ever belonged to what has been called the Mosquito Coast, whose few wandering tribes were absolutely unknown to the inhabitants of that province, and besides, the boundaries of the said coast are as well known as those of Great Britain.

Por consiguiente, i estando esta opinion de acuerdo con la de otras autoridades aceptadas por el Sor. Molina, como se puede demostrar, es claro que, si por una fatalidad se le arrebatan á la Nueva Granada los derechos que tiene á la parte de la costa que corre desde Gracias á Dios hasta la desembocadura del rio San Juan, por cuanto se quiere que pertenezcan á cierto Rei; el remanente de dicha costa hasta el rio Culebras, ó sea hasta la Laguna de Chiriquí, seria indisputablemente de la Nueva Granada, puesto que las autoridades indicadas (Walker i Chatfield) tuvieron á bien decidir, que los derechos del tal Rei se estendian solamente hasta el San Juan, i que la Nueva Granada, i no Costa Rica, era la única que podia alegar derechos al resto del litoral, como que la cuestion solo tenia lugar entre ella i el Rei Mosquito. Verdad es que esta declaratoria, hecha repetidas veces por el Gobierno Británico, fué luego modificada por un Ajente subalterno suyo, el cual le intercaló, al tiempo de comunicarla, unas frases que la desnaturalizaban algun tanto, i que luego fueron conservadas como por no causar desaire á dicho Ajente; mas esas frases de suyo eran insignificantes, por lo cual el Gobierno Británico no quiso volver á hacer caso de ellas, ni lo haria aunque quisiera, porque jamas lograria insinuar la idea de que las Bocas del Toro ó cualquiera otra parte de la antigua provincia de Veraguas, habian pertenecido alguna vez á lo que se ha llamado Costa de Mosquitos, cuyas pocas hordas nómades eran absolutamente desconocidas á los habitantes de aquella provincia, i por que los límites de dicha costa son tan conocidos como los del Reino Unido de la Gran Bretaña.

In order to render clearer what has been summarily observed in the above paragraph, it appears proper to insert the official notes which follow :

Viscount Palmerston to Mr. Chatfield.

“Foreign Office, June, 30th, 1847.

“Sir,

“The encroachments committed at various times by the authorities of the Central American States of Honduras and Nicaragua, upon the territories of the King of Mosquito, having given rise to a question as to the extent of the Coast frontier of the Kingdom of Mosquito, Her Majesty’s Government have carefully examined the various documents and historical records which exist relative to this subject; and they are of opinion that the right of the King of Mosquito should be maintained as extending from Cape Honduras down to the mouth of the river San Juan.

“I have therefore to instruct you to inform the authorities of the several States of Central America bordering on the Kingdom of Mosquito, that this is the extent of coast to which her Majesty’s Government consider the King of Mosquito to be entitled; and you will inform them that Her Majesty’s Government will not view with indifference any attempt to encroach upon the rights or territory of the King of Mosquito, who is under the protection of the British Crown.”

“I am &c.

(Signed)

Palmerston.

“P. S. A similar instruction has been addressed to Her Majesty’s Chargé d’ Affaires at Bogotá.”

Para mejor aclarar lo que se ha indicado someramente en el párrafo anterior, parece del caso insertar las notas que se verán á continuacion:

El Vizconde Palmerston á Mr. Chatfield.

“Oficina de Relaciones Exteriores Junio 30 de 1847.

“Señor:

“Habiendo dado motivo de disputa, en cuanto á la estension de la frontera de la Costa del Reino de Mosquito, las usurpaciones cometidas en varias épocas por las autoridades de los Estados Centro Americanos de Honduras i Nicaragua sobre los territorios del Rei de Mosquito, el Gobierno de Su Majestad ha examinado cuidadosamente los diversos documentos i datos históricos que existen relativos á este asunto; i es de opinion que el derecho del Rei de Mosquito debiera sostenerse como estendiéndose desde el cabo de Honduras hasta la embocadura del Rio San Juan.

“Por tanto tengo que instruir á U., que informe á las autoridades de los diferentes Estados de Centro América que lindan con el Reino de Mosquito, que esta es la estension de la costa á que el Gobierno de S. M. considera tiene derecho el Rei de Mosquito; i U. les informará que el Gobierno de S. M. no mirará con indiferencia cualquiera tentativa de usurpacion de los derechos ó el territorio del Rei de Mosquito que está bajo la proteccion de la corona Británica.

“Soi de Ud. &c.

(Firmado.)

Palmerston.

“P. S. — Una instruccion semejante se ha dirijido al Encargado de Negocios de S. M. en Bogotá.”

Viscount Palmerston to Mr. Walker.

“Foreign Office, June 30th, 1847.

“Sir,

“I transmit herewith, for your information and guidance, copy of a dispatch, which I have addressed to Her Majesty’s Consul General at Guatemala, directing him to state to the Governments bordering on the territories of the King of Mosquito, that Her Majesty’s Government maintain that the coast frontier of those territories extends from Cape Honduras down to the mouth of the river San Juan.

“I have addressed a similar instruction to Her Majesty’s Chargé d’ Affaires at Bogotá.

“I am &c.

[Signed]

Palmerston.”

Mr. Chatfield to Viscount Palmerston.

“Guatemala, September 11th, 1847.

“My Lord,

“I have had the honor of receiving your Lordship’s despatch of the 30th of June last, instructing me to inform the authorities of the states of Central America bordering on the Kingdom of Mosquito, that the extent of coast to which Her Majesty’s Government consider the King of Mosquito to be entitled, is that from Cape Honduras down to the mouth of the river San Juan.

In communicating the opinion of Her Majesty’s Government to the States of Honduras and Nicaragua, I have taken the precaution of inserting the words “without prejudice to the right of the Mosquito King to any territory south of the River San Juan,” lest it might have been argued hereafter, that the

El Vizconde Palmerston á Mr. Walker.

“Oficina de Relaciones Exteriores,

"Señor: **Junio 30 de 1847.**

“Trasmito á U. inclusa para su conocimiento i guía, copia de un despacho que he dirijido al Cónsul Jeneral de S. M. en Guatemala, ordenándole manifieste á los Gobiernos que lindan con los territorios del Rei de Mosquito, que el Gobierno de S. M. sostiene que la costa fronteriza de aquellos territorios se estiende desde el cabo de Honduras hasta la embocadura del Rio San Juan.

“He dirigido una instrucción semejante al Encargado de Negocios de S. M. en Bogotá.

“Soi de Ud. &a.

(Firmado.)

Palmerston."

Mr. Chatfield al Vizconde Palmerston.

(Recibida Nov^o. 22.)

“Guatemala, Setiembre 11 de 1847.

“Mi Lord,

“He tenido el honor de recibir el despacho de Su Señoría del 30 de Junio último, instruyéndome para que informe á las autoridades de los Estados de Centro América, limítrofes del Reino de Mosquito, que la estension de la costa á que el Gobierno de S. M. considera tiene títulos el Rei de Mosquito, es desde el cabo de Honduras hasta la embocadura del Rio San Juan.

“Al comunicar á los Estados de Honduras i Nicaragua la opinion del Gobierno de S. M., he tomado la precaucion de insertar las palabras “sin perjuicio al derecho del Rei Mosquito á cualquier territorio al Sur del Rio San Juan,” para que no se arguya luego, que la asercion del derecho de Mosquito á la embocadura,

assertion for Mosquito of a right to the mouth of the river San Juan is an abandonment of any rights he may have to exercise authority on the coast between San Juan and Veragua.

“I have acted in this instance, partly on the views communicated to me confidentially, in Lord Aberdeen’s despatch of the 23d of May, 1845, and partly on those expressed in my despatch to Your Lordship, of the 15th of April last.

I have, &c.

[Signed] *Fredk. Chatfield.”*

Mr. Walker to Señor Rivas.

“Vixen’, St. John’s, January 3d, 1848.

“Sir,

“Assuming for the sake of argument, that the King’s right could be disputed and that the Spanish Sovereigns had a right of dominion, from absolute possession over the territory in question, it would appear that that right devolved upon New Granada rather than upon Central America, for under the colonial rule, the jurisdiction over this territory, after being transferred with frequency from the Vice Royalty of New Granada to the Captain-Generalship of Guatemala, (now or lately Republic of Central America), and *vice versa*, and at one time from that of both these colonies to the Captain Generalship of Cuba, was finally restored to New Granada by Royal letters patent dated 30th November, 1803.

“Therefore, if the right of the spanish sovereigns was valid, so also is that of New Granada; and conse-

del Rio San Juan implica el abandono de cualesquiera derechos que pueda tener para ejercer autoridad sobre la costa que queda entre San Juan i Veráguas.

“He obrado en esta ocasion, en parte movido por las miras que se me comunicaron confidencialmente en nota del Lord Aberdeen de 23 de mayo de 1845, i en parte, por las espresadas en mi comunicacion á Su Señoría, de 15 de Abril último.

“Tengo el honor &c.

(Firmado.) Fredk. Chatfield.”

Mr. Walker al Sor. Rivas.

“Vixen,” San Juan, Enero 3 de 1848.

“Señor :

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“Suponiendo, por vía de argumento, que el derecho del Rei pudiera ser disputado, i que los soberanos españoles tenian un derecho de dominio, procedente de absoluta posesion sobre el territorio en cuestion, apareceria que aquel derecho recaia sobre la Nueva Granada mas bien que sobre Centro América, por que bajo el régimen colonial la jurisdiccion sobre este territorio, despues de ser trasferida con frecuencia del Vireinato de la Nueva Granada á la Capitanía Jeneral de Guatemala, (ahora ó últimamente República de Centro América), i *vice versa*, i una vez de la de estas dos colonias á la Capitanía Jeneral de Cuba, fué finalmente restituida á la Nueva Granada por Cédula real de 30 de noviembre de 1803.

“Por tanto, si el derecho de los soberanos españoles era válido, tambien lo es del mismo modo el de

quently the pretension of Central America is arbitrary and null.

“I have &c.

(Signed.)

Patk. Walker.”

Returning now to the subject of the validity of the Royal Ordinance of 1803, it is necessary to observe that all who have denied it, have purposely made use of such worthless arguments, that as they can only be looked upon as pretexts to support an untenable cause, it is natural to attribute them not to ignorance but to bad faith. In fact, how is it possible to believe that those who have attacked the said Ordinance should be ignorant of the motives to which it owes its origin, when they sustain that they are aware of all the circumstances relating to it? And if they were so aware, how can they presume to assert that the measure was purely military and temporary, when from the text of the act itself it is evident that other motives of utility were the principal reasons for issuing it? Besides, it is not possible to believe that those who have sustained such an absurdity, should be ignorant of the fact, that none but the sovereign who sanctions such an act has the power to interpret or vary it, and while that is not done, the said act is to be understood and acted upon according to its literal tenor and no other.

If the Ordinance was unwise and little to the purpose, the King should have been petitioned to repeal or reform it, and if, when it was issued, it was believed that the King of Spain had no power to make the decree, a protest should immediately have been entered, for it appears that at that time the King of Mosquito had already been manufactured.

Nueva Granada; i por consiguiente la pretension de Centro América es arbitraria i nula.

“Tengo el honor &a.

(Firmado.)

Patk. Walker.”

Volviendo ahora á la validez de la Real Cédula de 1803, se hace preciso decir, que todos los que la han combatido, se han apoyado al intento en razones tan erróneas i débiles, que, no pudiéndose tomarlas sino como pretextos de argumentaciones en pro de una causa insostenible, es natural atribuir las, no á ignorancia, que no cabe, sino á mala fé. En efecto ¿cómo es posible creer que las personas que han atacado dicha Cédula ignorasen los motivos que dieron oríjen á ella, cuando sostienen estar al corriente de todas las circunstancias que la acompañaron? I si lo estaban ¿cómo se atreven á aseverar que ella fué espedita como una medida puramente militar i transitoria, siendo así que la parte motiva de tal acto expresa como principales, otras diversas razones de conveniencia? A mas de esto, tampoco es posible creer que los que han sostenido semejante absurdo, hayan ignorado que nadie, sino el mismo soberano que sanciona un acto como aquel, tiene la facultad de interpretarlo ó variarlo, i que en tanto que así no lo haga, dicho acto se entiende i se ejecuta segun su tenor literal, i no de otro modo.

Si la Cédula era poco acertada, — si era inconducente &a., ha debido solicitarse del Rei su revocatoria ó reforma: i si cuando se espidió se creia que el Rei de España carecia de facultades para ello, debieron haber dirijido inmediatamente su raclamo, puesto que dicen que ya por aquel tiempo se habia fabricado el Rei de Mosquitos.

In order to form a correct judgment on the subject, it appears proper to insert the Report that preceeded the Ordinance, adressed to the King by the Committee of Fortifications, and which, united to others, throws a perfect light on its motive. The Report is as follows:

“Madrid, September 20th, 1803.

“Sir,

“The Committee of Fortifications and Defence of the Indies has carefully examined the representations made by the Governor of the Islands of St. Andrew on the 5th of December last, and sent to this Committee by Royal Order of the 26th of August. The tone of these representations bears every mark of truth, candour and sincerity, wherefore the Committee considers that the Governor Tomas O’Neill, who with laudable zeal, has found means of improving, without any drain on the public treasury, the island, so that its products this year have afforded 4000 quintals of cotton, is entitled not only to the rank of Lieutenant-Colonel, which he solicits, but also to an increase of pay to 2000 dollars a year, in reward of his praiseworthy disinterestedness as the colonists declare, and because of the necessity of providing himself from Carthagena with even the salt and other articles for his use. But it is expedient to apprise him that for the present his continuance in office is essential; and that on another occasion the year’s leave he requests will be granted in order that by his stay now he may consolidate and arrange the municipal laws of the island, as may be most suitable to its circumstances, and aid the endeavours of those loyal vassals to cultivate not only cotton, but also the grains and fruit necessary for their sustenance, contributing

Para que se juzgue con imparcialidad acerca de este punto, parece del caso insertar el Informe que precedió á la Cédula, dirijido al Rei por la Junta de Fortificaciones, i que unido á otros se ha llamado parte motiva de ella; el cual es como sigue:

“Madrid 20 de Setiembre de 1803.

“Señor:

“Con atenta reflexion ha examinado la Junta de Fortificaciones i Defensa de Indias las representaciones del Gobernador de las Islas de San Andres i de sus vecinos, de 5 de Diciembre último, remitidas al exámen de esa Junta por Real Orden de 26 de Agosto próximo pasado. El lenguaje de las expresadas representaciones tiene todas las señales que caracterizan la verdad, el candor i la rectitud, por lo que juzgó la Junta que aquel Gobernador Don Tomas O’Neilli, que á esfuerzos de su laudable zelo ha sabido fomentar tanto aquella isla, que sin dispendio alguno del real erario ascienden ya sus cosechas en este año á 4000 quintales de algodón, es acreedor no solo al grado de Teniente Coronel que solicita, sino tambien á que se le aumente el sueldo hasta los 2000 pesos anuales por su recomendable desinterés, segun manifiestan aquellos colonos, i por la necesidad que tiene de proveerse de Cartagena hasta de la sal i demas gastos que se ve precisado á hacer; pero convendrá que se le prevenga que por ahora es útil su permanencia en aquel destino, i que mas adelante se le concederá el año que solicita de licencia, para que con su permanencia en la actualidad acabe de consolidar i arreglar las leyes municipales de la Isla, que sean mas análogas i adaptables á las circunstancias, i aumentar el fomento de aquellos leales vasallos exitándos-

at the same time to the conversion to Catholicism, of those neighbours who are so well inclined to embrace it; immediately appointing the rector, with an assistant curate, as O'Neilli urgently requests, but that one of the two should be an Irishman, or conversant with the English language, to be able to communicate with those people, with a salary of 30 dollars a month, as is usual in similar appointments, subject to the bishop of Carthagena, of whom the necessary ecclesiastical aid may be easily obtained, especially for the construction of a temple and its appropriate ornaments.

“Further it is just that the Royal Finance Committee at Guatemala should repay instantly to O'Neilli 375 dollars, which he, while acting Commandant of Trujillo in the year 1800, paid with pious and efficacious zeal for the purposes of redeeming the sacred vases and ornaments which the Mosquito Indians had carried off in a surprise upon the river Tinto, and which O'Neilli remitted to Guatemala; it being very strange that the Junta should have been so remiss as to omit reimbursing a sum devoted to such a worthy purpose.

“It is equally interesting and of a great importance that a master of primary instruction should be sent to Carthagena or elsewhere, that the natives should more easily acquire and understand the Spanish language, and that the children baptized or to be baptized there have better opportunities of instruction in the dogmas of our sacred religion. It being obvious how much the diversity of languages may contribute (especially in a

los al cultivo, no solo del algodón, sino tambien al de los granos i semillas útiles para el alimento, contribuyendo igualmente á la conversion al catolicismo, de aquellos vecinos que tan dispuestos se hallan á abrazarlo, destinando para esto con la posible brevedad el párroco i un Teniente cura que con tanta instancia i justicia pide O'Neilli, pero que sea uno de ellos Irlandes ó intelijente en el idioma ingles para poderse entender con aquellos habitantes, con la dotacion correspondiente de treinta pesos mensuales acostumbrada en otros destinos semejantes, sujetándolos al Obispo de Cartagena, de quien fácilmente pueden recibir los auxilios eclesiásticos que necesiten, especialmente para la construccion del templo i correspondientes ornamentos.

“Tambien es justo que la Junta de Real Hacienda de Guatemala reintegre cuanto ántes á O'Neilli los 375 pesos, que hallándose comisionado de Comandante de Trujillo en el año de 1800 desembolsó con piadoso i eficaz zelo para rescatar los vasos sagrados i ornamentos que se llevaron los Indios Mosquitos en la sorpresa de Rio Tinto i que remitió O'Neilli á Guatemala, siendo bastante extraño que haya andado tan omisa aquella Junta en reintegrar esta cantidad invertida en tan digno objeto.

“Es igualmente interesante i de bastante consecuencia el que se envíe á Cartagena ú otra parte un maestro de primeras letras, para que mas fácil i brevemente se aprenda i entienda entre aquellos naturales el idioma Español, i los niños ya bautizados, i que se vayan bautizando, tengan mas proporcion de instruirse en los dogmas de nuestra sagrada religion. Por que es bien patente lo mucho que puede influir la diversidad

small, undefended island) to create a difference of equality among the vassals of your Majesty in the love, loyalty and respect which they ought to observe, which with this measure and others already mentioned, it is very probable, will more and more take root in their docile, obedient and faithful hearts, of which several proofs have already been afforded, as may be inferred from their having maintained themselves three whole years unassisted, and during the last war with England, when the Commandant-General in Guatemala had kept on a commission out of the island the Governor O'Neilli, who from being better informed than any other person, of the losses and drawbacks which his long absence and the war have occasioned to those colonists, can report respecting the application which they make and the time which in reason and justice they should continue exempt from import and export duties, provided that such do not apply to foreigners; in order that with this information, your Majesty may decide on what is best, and extend the period of their exemption from duties to what may appear just. And to avoid the long delay which they would incur in receiving the reply if it went by Guatemala, it would be proper to direct it by Carthagena, from whence it may be more easily and speedily received, owing to the shorter distance at which the island is placed from that port, and whither for this reason the colonists send their produce.

“Although it may seem that the Committee, in dwelling so long upon the points above mentioned, departs from and loses sight of its principal end, the consideration of what concerns the defence, it does not so regard it; but rather that in a nascent colony the good arrange-

de idiomas (i mas en una isla pequeña é indefensa), para no considerarse al nivel de los demas vasallos de Vuestra Magestad en el amor, lealtad i respeto con que deben conservarse; el cual con esta diligencia i las demás prevenciones ya referidas, es mui probable que se arraigue mas i mas en sus corazones dóciles, obedientes i fieles, de que ya tienen dadas algunas pruebas, como se puede inferir de haberse sostenido por sí solos los tres años que durante la última guerra con la Inglaterra ha tenido el Comandante Jeneral de Guatemala comisionado fuera de la isla al Gobernador O'Neill, quien por estar mejor enterado que otro alguno de las pérdidas i atrazos que su larga ausencia i la guerra hayan ocasionado á aquellos colonos, podrá informar sobre la solicitud que estos hacen del tiempo que en razon i justicia pueden permanecer exentos de derechos de importacion i exportacion, siempre que esta no sea para los estrangeros, para que con este conocimiento pueda resolver Su Majestad lo que mas convenga, i prorogarles la excepcion de derechos el tiempo que parezca justo. I para evitar el largo atrazo que habian de experimentar en recibir la respuesta si fuere por la vía de Guatemala, será conveniente que dirija por la de Cartagena, de donde mas fácil i brevemente pueden recibirla, por la menor distancia á que se halla situada la isla, de aquel puerto, á donde por esta razon envian sus efectos los colonos.

“Aunque parece que la Junta, deteniéndose tan de intento en tratar de los puntos ya espresados, se separa i desentendiende de su principal instituto en hablar de lo correspondiente á la defensa, no lo juzga así, i ántes bien considera que en una colonia naciente, el buen ar-

ment of all its branches contributes much to its defence, by the indispensable connexion that must exist amongst them all; and because without fostering agriculture and the arts, it is imposible that the population should increase, while the colony, having laws and regulations approved by the Viceroy of Santa Fé, unites its individual inhabitants in pleasant and agreeable community, and affording sufficient means for subsistence, will at a future time supply hands to defend it, and revenues wherewith to maintain them and to augment the royal treasury.

“The defence, then, and the advancement of the Island of St. Andrew, is of no little importance; for being situated in $12\frac{1}{2}^{\circ}$ of north latitude, distant little more than 100 leagues from Cartagena, and some 40 from the coast of the Kingdom of Guatemala and from the mouth of the River San Juan de Nicaragua, it offers an excellent port of call and *point d'appui* to protect and attend to the useful establishments on the desert Coast of Mosquito, and to encourage in due time those which the Commitee has proposed anew to place in Cape Gracias á Dios and Bay of Bluefields in the memorial which it presented to your Majesty dated 5th August last; but that this should have better and speedier effect, it is necessary that those establishments as far as that of Cape Gracias á Dios inclusive be made dependent on the Viceroyalty of Santa Fé, the Viceroy of which should defend in every respect as heretofore, the Islands of St. Andrew, as much by reason of its greater proximity as by the prompt maritime assistance which it might receive; for which the Viceroy will give the necess-

reglo de todos sus ramos contribuye mucho á la defensa, por el indispensable enlace que todos deben tener entre sí, i por que sin el fomento de la agricultura i artes, no es posible que se aumente la poblacion, la cual teniendo leyes i reglamentos aprobados por el Virei de Santa Fé, que una sus individuos en gustosa i agradable sociedad, i medios suficientes de qué poder subsistir, suministrará mas adelante brazos que la defiendan i rentas con qué sostenerlos, i aumentar las del real erario.

“La defensa, pues, é incremento de la Isla de San Andres, es no poco importante, por que hallándose situada á los 12 grados i medio de latitud norte, distante poco mas de cien leguas de Cartagena, i unas cuarenta de las costas del Reino de Guatemala, i embocadura del Rio de San Juan de Nicaragua, ofrece una excelente escala i punto de apoyo para sostener i atender á los útiles establecimientos de la desierta Costa de Mosquitos, i fomentar con el tiempo los que en ella propuso nuevamente la Junta en el Cabo de Gracias á Dios i Bahía de Bluefields en la consulta que pasó á Su Magestad con fecha de 5 del próximo pasado Agosto. Pero para que esto tenga mejor i mas pronto efecto, conviene que estos establecimientos hasta el del Cabo de Gracias á Dios inclusive, dependan del Vireinato de Santa Fé, de cuyo Virei deben depender tambien en todos sus ramos (como lo estaban ántes) las Islas de San Andres, tanto por su mayor inmediacion, como por los pronto auxilios marítimos que pueden recibir, para lo cual tendrá el Virei las órdenes dadas al Comandante del apostadero de Cartagena, cuyo Gobernador deberá

ary order to the commander of the station of Carthage-na, whose Governor ought likewise to receive instructions and powers from the Viceroy to succour them as circumstances may require, and that the Governor of St. Andrew may ask such assistance and treat directly with him. It is highly proper that the Governor of St. Andrew should receive, agreeably to his solicitation, the detachment of thirty men of known honour, with a sergeant and two or three corporals, and the corresponding ammunition; also a good subaltern, acquainted, if possible, with the English language, who should imitate and learn the good maxims of O'Neill, whose second he ought to be, to command the islands in his absence. And moreover it would be of the utmost advantage that this detachment of picked men were permanently established in the island, in which a soldier marrying a respectable woman should receive his full discharge, in order to increase the number of colonists, his place being supplied by another from Carthage-na. Thus would the love for the military service be gradually promoted amongst the natives against the period when a fitting militia might be formed on the spot; while the principal island containing some ten leagues square, the number of inhabitants might amount in a few years to upwards of 40000, although it be with the obstacle that many of them would be negroes and mulattoes, from the increased number of slaves which are now established there, for whose due subjection the before-mentioned detachment would also be useful. And if a soldier should marry a woman who has no property, he may continue his service for the period of his engagement; the regulation respecting the woman's being poor or

tener igualmente instruccion i facultades del Virei para facilitarlos segun lo exijan las circunstancias i para que pueda pedírselos i entenderse con él en derecho el Gobernador de San Andres, á quien es mui conducente equ se le envíe en los términos que solicita, el destacamento de los treinta hombres de acreditada honradez, con un sargento i dos ó tres cabos i las correspondientes municiones, i un buen subalterno que sepa, si es posible, el idioma Ingles i que imite i aprenda las buenas máximas de O'Neill, de quien ha de ser su segundo, para mandar en falta suya las islas, i aun será de mayor ventaja si este destacamento de gente escogida se establece fijo en la isla en donde al soldado que se case con muger pudiente debe dársele su licencia absoluta para que aumente el número de los colonos, pidiendo en este caso su reemplazo á Cartagena, con lo cual se irá fomentando en aquellos naturales el amor al servicio militar para cuando llegue el tiempo de que puedan formarse unas proporcionadas milicias de su vecindario, que constando la isla principal de unas diez leguas cuadradas, podrá llegar á ascender en pocos años á mas de cuarenta mil habitantes; bien que será con el padrastro, de que muchos de ellos sean negros i mulatos, por el crecido número de esclavos que ya hai establecidos en el dia, por cuya sujecion en la debida sumision, es tambien allí útil el indicado destacamento, del cual si alguno se casa con muger que no tenga bienes, podrá continuar de soldado el tiempo de su empeño; la cual regulacion de si la muger es pobre ó rica, será asunto peculiar del Gobernador de la isla el determinarlo.

rich should be subject to the pleasure of the Governor of the island.

“Even were the reasons above expressed and the commercial relations of the inhabitants of St. Andrew with Carthagena an insufficient reason for making those islands dependent on the Viceroyalty of Santa Fé, their local position renders it impossible they should depend on Guatemala, from whence they could not in any case or circumstances receive succour, owing to their great distance, the greater part by roads difficult of transit. This was so evident, that the Junta of Guatemala resolved in the year 1797, (being unable to send assistance to the island of St. Andrew, its Governor O’Neilli should remain on the main land until the peace, leaving the Island entirely abandoned. It thus happens that the uncertain and insecure communication between St. Andrew and Guatemala occupies six or seven months, whilst every week they might hold it with Carthagena. The same reasons apply with little difference to what respects the proposed establishments on the Mosquito shore, and it is not likely they would progress if not united to and dependent on the Viceroyalty of Santa Fé; it being undoubted, Sir, that the multiplication of these voluntary establishments is the most efficacious and powerful means for domesticating or exterminating the savage Indians, who, once separated from the coast, would be annihilated by each other, or at least could never join themselves to the English. Nor would this form any obstacle to the dependence on Guatemala of the guard composed of a corporal and four other men at the mouth of the river San Juan, that being an advanced post of the Castle of San Carlos, situated on the same river near the entrance to the Lake of Nicaragua.

“Aun cuando las razones expresadas i relaciones mercantiles que los vecinos de San Andres tienen con los de Cartagena no fuesen suficientes para que aquellas islas sean dependientes del Vireinato de Santa Fé, su situacion local las imposibilita que dependan de la Gobernacion de Guatemala, de donde no pueden en ningun caso ni circunstancias recibir socorro alguno por ser mucha la distancia á que se hallan i la mayor parte de ella tenerse que andar por caminos difíciles de transitar, siendo esto tan evidente, que la Junta de Guatemala resolvió en el año de 97, que no pudiéndose ausiliar la Isla de San Andres, quedase su Gobernador O’Neilli en el continente hasta la paz, dejando la isla enteramente abandonada; i así es que para la correspondencia incierta i poco segura desde San Andres á Guatemala se necesitan de seis á siete meses, cuando todas las semanas pueden tenerla de Cartagena. Estas mismas razones militan con corta diferencia, por lo que respecta á los insinuados establecimientos de la Costa de Mosquitos, i así no es fácil que progresen, no estando unidos i dependientes al Vireinato de Santa Fé; siendo, Señor, indudable que la multiplicacion de estos voluntarios establecimientos es el medio mas eficaz i poderoso de domesticar ó exterminar á los Indios bravos que llegados á separar de las costas se aniquilarian por sí mismos, ó por lo ménos no podrian jamas unirse con los Ingleses, sin que sirva de obstáculo que dependa de Guatemala la vigía de un cabo i cuatro hombres en la embocadura del Rio San Juan, por ser esta una avanzada del Castillo de San Carlos situado sobre este rio ántes de llegar á la Laguna de Nicaragua.

“Such is the opinion of the Committee on the above-mentioned representations, looking solely to the better service of your Majesty, who will resolve according to your sovereign pleasure.”

(Signed) Dn. Francisco Gil.
Dn. Fernando Davis.
Dn. José Vasallo.
Dn. Francisco Requena.
Dn. José Betegon.
Dn. Pedro Cortes.
Dn. Gerónimo de la Rocha i Figueroa.”

Under date of 21st October of the same year of 1803 the Committee of Fortifications issued another Report explanatory of the former, in which they express in still stronger terms the necessity of annexing the Mosquito Coast to the Vice Royalty, basing their argument upon the expediency of civilizing the Indians, colonizing that territory and giving its inhabitants spiritual advantages &c., and this at a time when nothing of the kind could be attempted on the part of Guatemala on account of the distance and above all, the difficulty of communication. In consequence of the said Reports the Ordinance referred to was issued and is as follows:

“Royal Order by which the King of Spain resolves that the Island of St. Andrew and the part of the Mosquito shore from Cape Gracias á Dios inclusive towards the river Chagres, shall be separated from the Captaincy General of Guatemala, and annexed to the Viceroyalty of Santa Fé.

“Este es el modo de pensar de la Junta sobre las indicadas representaciones, atendiendo únicamente en cuanto expone, al mejor servicio de Su Magestad, que resolverá en un todo lo que fuere de su soberano agrado.

(Firmado.) Dn. Francisco Gil.
Dn. Fernando Davis.
Dn. José Vasallo.
Dn. Francisco Requena.
Dn. José Betegon.
Dn. Pedro Cortes.
Dn. Gerónimo de la Rocha i Figueroa.”

Con fecha 21 de Octubre del mismo año de 1803 evacuó la Junta de Fortificaciones otro informe esplanatorio del anterior, en el cual insiste aun mas esplicitamente en la necesidad de reincorporar la Costa de Mosquitos al Vireinato, fundándose en la conveniencia de civilizar los indios, de poblar aquel territorio, de procurar á sus habitantes auxilios espirituales &c., en circunstancias de no poderse hacer nada de eso de la parte de Guatemala, á causa de la distancia i sobre todo, de las dificultades que habia para las comunicaciones. A consecuencia de tales informes se expidió la referida Cédula, que es como sigue :

“Orden Real en que el Rei de España resuelve que la Isla de San Andrews, i la parte de la Costa de Mosquitos desde el Cabo de Gracias á Dios inclusive hácia el Rio Chágres, queden segregadas de la Capitanía Jeneral de Guatemala i dependenties del Vireinato de San-
at Fé.

“San Lorenzo, November 30th, 1803.

“Most excellent Sir,

“Don José Antonio Caballero, in a letter of the 20th instant, informs me thus:—

“Most excellent Sir,

“The King has resolved that the islands of Saint Andrew and the part of the Mosquito shore from Cape Gracias á Dios inclusive, towards the river Chagres, shall be separated from the Captaincy General of Guatemala, and annexed to the Vice-royalty of Santa Fé. And His Majesty has been pleased to grant to the Governor of the said Islands, Don Tomas O’Neilli, a salary of 2000 dollars a year, instead of the 1500, which he at present enjoys. By royal order I acquaint Your Excellency, that the Ministry in your charge should take the necessary steps for the fulfillment of this sovereign mandate, all which I state to you by His Majesty’s command, for its due execution.

(Signed)

Soler.

“To the Vice Roy of Santa Fé.”

The Ordinance once in force, every means was taken to fulfill the various ends proposed in it, thereby giving a fresh impulse to the settlement of Gracias a Dios and sending there and to other points on the coast various missionaries as well as settlers, establishing a coast guard, and sending a detachment of soldiers to the Island of San Andrews to serve as a garrison there and to the Islands of Santa Catalina, Providencia and other smaller ones, which formed one section: and though this order of things was afterwards disturbed in consequence of the breaking out of the

“San Lorenzo, 30 de Noviembre de 1803.

“Exmo. Señor,

“El Sor. Don José Antonio Caballero me dice en oficio de 20 del presente mes, lo siguiente: —

“Exmo. Señor,

“El Rei ha resuelto que las Islas de San Andres i la parte de la Costa de Mosquitos desde el Cabo de Gracias á Dios inclusive, hácia el Rio Chágres, queden segregadas de la Capitanía Jeneral de Guatemala i dependientes del Vireinato de Santa Fé; i se ha servido Su Magestad conceder al Gobernador de las espresadas islas, Don Tomas O’Neilli el sueldo de 2000 pesos fuertes, en lugar de los mil i quinientos que actualmente disfruta. Lo aviso á Vuestra Excelencia de real orden, á fin de que por el ministerio de su cargo se espidan las que corresponden en cumplimiento de esta soberana resolucion. La que traslado á Vuestra Excelencia, de orden de Su Magestad, para su debido cumplimiento.

“Dios guarde &c.

(Firmado.)

Soler.

“Señor Virei de Santa Fé.”

Una vez en ejecucion esta Cédula, se tomaron todas las providencias necesarias para llenar los diferentes fines que ella se propuso, dándole nueva vida á la poblacion de Gracias á Dios, enviando allí i á otros puntos de la costa algunos misioneros i pobladores, estableciendo cruceros ó guarda-costas, i enviando algunos piquetes á la isla de San Andres, para que sirviesen de guarnicion en ella i en las de Santa Catalina, Providencia i otras mas pequeñas, que formaron una misma seccion: i aunque luego fué turbado este orden de cosas á consecuencia de haber estallado la guerra de la

war of independence, the spaniards as well as the colombians alternately took measures to supervise the Mosquito Coast by means of the authorities of those islands, which was done as far as was permitted by the scanty resources on which the belligerent parties could at that time depend. The legal authority, having been at length overthrown on these Islands by some south-american pirates, who took possession of them for two or three years during the general confusion then existing, was again reestablished in the year 1822, and since then they have never been disorganized, but always governed in various ways, once as a canton, once as a Territory under a Prefect and again as a canton exercising the elective rights and subject in all things to the laws of the Republic, and it was entrusted to the principal authority there, to watch over the Mosquito Coast, whilst a treaty was being celebrated with the Government of Central America, to which country it was intended to cede said coast on very moderate terms.

Before going farther, it will not be superfluous to remark, that for many years the Mosquito Coast had been a dependency of the Viceroyalty of New Granada, and that it was only a short time anterior to the issuing of the Ordinance of 1803, that it had placed itself under the protection of Guatemala in consequence of the suggestions of the Viceroy's Flóres and Góngora. These coasts have also been in former times dependencies of Cuba, and it was only after these various trials were made that experience demonstrated that they ought to be again and definitely annexed to the Viceroyalty.

As was before observed, the spanish General Don Pablo Morillo issued a decree in 1815, which was com-

independencia, tanto los Españoles como los Colombianos tomaron alternativamente algunas providencias para supervijilar la Costa de Mosquitos por medio de las autoridades de aquellas islas; lo cual se hacia en proporcion á los pocos recursos con que contaban en ese tiempo las partes belijerantes. Trastornada la autoridad en dichas islas por unos corsarios Sur-americanos que se apostaron en ellas por dos ó tres años, en medio de la perturbacion jeneral que existia, fué luego restablecida el año de 1822, i desde entónces, jamas han dejado de estar organizadas, ya en canton, ya en territorio gobernado por un Prefecto, ya otra vez en canton, ejerciendo el derecho eleccionario, i sujetas en todo á las leyes de la República, i siempre encargada la primera autoridad de allí, de velar sobre la Costa de Mosquitos, miéntras se celebraba un tratado con el Gobierno de Centro América, al cual se queria ceder dicha costa bajo mui moderadas condiciones.

Antes de pasar adelante, no estará por demas recordar que la Costa de Mosquitos habia dependido por muchos años del Vireinato del Nuevo Reino de Granada, i que cuando se espidió la Cédula de 1803, no hacia mucho tiempo que se habia puesto bajo la dependencia de la Capitanía Jeneral de Guatemala, á consecuencia de informes de los Vireyes Flóres i Góngora. Tambien dependieron dichas costas en otro tiempo, de la Capitanía Jeneral de Cuba, i no fué sino despues de todos estos ensayos, que la esperiencia demostró que debian agregarse otra vez i definitivamente al Vireinato.

Como se indicó en otro lugar, el Jeneral español Dn. Pablo Morillo, espidió en 1815 un decreto que fué

municated to various Governments and published in some of the journals of Europe and the United States, declaring the coast of the New Kingdom of Granada to be under blockade as far as Cape Gracias á Dios. Colombia, on her side, issued various decrees. Amongst the most remarkable are those of 19th April and 22d November of the year 1822 and that of the 5th July 1824, given with the object of maintaining her rule over the Mosquito Coast, regulating its commerce and encouraging its settlement and civilization, to effect which, new means of communication were established, the Government of the before mentioned islands of St. Andres was reorganized on a better footing, and the coast guard was reestablished, and at length in 1826, when the peace permitted, that decree was issued which gave the President extended power on the matter and assigned one hundred thousand dollars yearly for the purpose of encouraging the settlement of that coast. New Granada in her turn followed in the steps of Colombia, and ratifying that which was done, issued various acts tending to the same end, but the suspense in which she was held on account of the treaty she wished to celebrate with Central America, compelled her to suspend or defer any action on the encouragement, the settlement and the commerce of the said country.

All the official acts referred to and many others relating to the same subject were published and came to the knowledge of the British Government and that of Central America, without the idea suggesting itself to either to make the least question of the right assumed first by Colombia and afterwards by New Granada. On the contrary, they were ever ready to comply with the

comunicado á varios Gobiernos i publicado en diarios de Europa i de los Estados Unidos, declarando bloqueadas las costas del Nuevo Reino de Granada hasta el Cabo de Gracias á Dios. Colombia, por su parte, espidió varios decretos, entre los cuales han sido notables los de 19 de Abril i 22 de Noviembre del año de 1822, i el de 5 de julio de 1824, que tenian por objeto mantener la soberanía de la Costa de Mosquitos, regularizar su comercio i fomentar su civilizacion i su poblacion, á cuyo efecto se establecieron de nuevo algunas comunicaciones, se reorganizó bajo un pié regular el Gobierno de las precitadas islas de San Andres, i se restablecieron los buques guarda-costas: i ya cuando la paz lo permitió, se espidió en 1826 la lei que ensanchaba las facultades del Poder Ejecutivo sobre la materia, i asignaba cien mil pesos anuales con el objeto de dar impulso á la poblacion de aquella costa. La Nueva Granada á su vez, siguió los pasos de Colombia, i ratificando lo que estaba hecho, espidió varios actos conducentes al mismo fin; mas la expectativa en que la tenia el tratado que deseaba celebrar con Centro América, la compelió á suspender ó diferir sus empresas sobre fomento, poblacion i comercio del país mencionado.

Todos los actos oficiales que quedan referidos i otros muchos relativos al mismo asunto, fueron publicados, i llegaron al conocimiento del Gobierno Británico i del de Centro América, sin que á estos ni á otro alguno les ocurriese el pensamiento de hacer la menor observacion sobre el derecho con que obraron, ya Colombia, ya la Nueva Granada. Por el contrario, constantemente

conditions imposed on them. Why did not Central America reclaim against New Granada? Why was the British Government silent even to the extent of allowing vessels which bore her flag to be taken and their crews arraigned and tried on account of their clandestine trafic with the Mosquito Coast or their non-compliance with the existing regulations? The reason is that Central America and Great Britain knew that Colombia, and consequently New Granada, were in the right and acting in accordance with the Ordinance of 1803, whose validity was never for a moment doubted.

Mr. Castellon, a prominent personage of Nicaragua, has plainly declared in a Memoir quoted by Mr. Molina, that according to the Ordinance in question, the Atlantic coast of Costa Rica belonged to New Granada, from which it is deduced that the rest of the coast as far as Cape Gracias á Dios is also hers. The authority of Mr. Castellon carries greater weight in as much as it would be difficult to find a *Nicaraguense* more firm and decided in maintaining the rights of his country. — It is certain that the said gentleman may have had in consideration the fact that the Government of New Granada had manifested at different times her desire to cede to the States of Central America her rights to the Mosquito Coast on the completion of the respective treaties, but it is also true that men of honor and sincerity never desire unjust acquisitions even when they can palliate them on the plea of the interest of their country.

Turning now to the treaty celebrated between Co-

se prestaron á cumplir las disposiciones indicadas en la parte que les tocaba. ¿ Por qué no reclamó Centro América contra ellas? ¿ Por qué guardó silencio el Gobierno Británico hasta el punto de permitir que buques que llevaban su pabellon fuesen presos i sus tripulaciones enjuiciadas á causa del tráfico clandestino que hacian con la Costa de Mosquitos, ó de falta de cumplimiento á las disposiciones que existian? La razon es, que Centro América i la Gran Bretaña sabian que Colombia, i en su caso Nueva Granada, estaban en su derecho obrando de acuerdo con la Cédula de 1803, cuya validez nunca fué puesta en duda por un momento.

El Sor. Castellon, notabilidad mui prominente de Nicaragua, ha declarado de una manera implícita en una Memoria citada por el Sor. Molina, que conforme á la Cédula en cuestion, el litoral Atlántico de Costa Rica pertenecia á la Nueva Granada, de donde se deduce que tambien pertenece á esta el resto de la costa hasta Gracias á Dios. La autoridad del Sor. Castellon es de tanto mayor peso, cuanto que seria raro hallar un Nicaragiense mas firme i decidido en el sostenimiento de los derechos de su Patria. Es cierto que dicho Señor ha podido tener en cuenta la circunstancia de que el Gobierno de la Nueva Granada ha manifestado diferentes veces el anhelo que tiene de ceder á los Estados de Centro América sus derechos á la Costa de Mosquitos, mediante los respectivos tratados; pero tambien es verdad que los hombres íntegros i sinceros, no están en ningun caso por adquisiciones indebidas, aunque se quieran paliar con el interes de la Patria á que pertenecen.

Pasando ahora al Tratado celebrado entre Colom-

lombia and Central America in 1825, Mr. Molina depends upon the 5th, 7th, 8th and 9th articles thereof to prove, that the Ordinance referred to, was virtually annulled and consequently that the limits of Costa Rica ought to reach on the Atlantic side as far as Veraguas, (because Juárez had said so, relying on the tales of one Ceballos) and as far as Punta Burica on the Pacific.

In order to present this last question with the lucid clearness which the importance of the subject under consideration deserves, it becomes necessary to insert the articles quoted from the treaty and some others. They are as follows:

“Art. 3d. In order to further the objects mentioned in the former articles, the Republic of Colombia undertakes to assist the United Provinces of Central America with her disposable forces by sea and land, whose number or its equivalent will be fixed in the Assembly of Plenipotentiaries which will be spoken of hereafter.

“Art. 4th. The United Provinces of Central America will in the same manner assist with their disposable land and sea forces the Republic of Colombia, whose number or their equivalent will be also fixed in the said Assembly.

“Art. 5th. Both contracting parties mutually guarantee the integrity of their respective territories against the attempts and invasions of the vassals of the King of Spain and his adherents, upon the same footing on which they were found before the present war of Independence.”

“Art. 6th. Consequently, in case of sudden invasion,

bia i Centro América en 1825, en cuyos artículos 5°, 7°, 8°, i 9° se apoya el Señor Molina para demostrar que la Cédula referida habia quedado virtualmente anulada, i que por consiguiente los límites de Costa Rica deben llegar por la parte del Atlántico hasta el Escudo de Veráguas, (por haberlo dicho Juarros, refiriéndose á cuentos de un Ceballos) i hasta Punta Burica por la parte del Pacífico.

A fin de presentar esta última cuestion con la claridad i limpieza que cumplen á la gravedad de la materia que se ventila, se hace preciso insertar los citados artículos del Tratado, i algunos mas. Ellos dicen:

“Artículo 3°: A fin de concurrir á los objetos indicados en los artículos anteriores, la República de Colombia se compromete á ausiliar á las Provincias Unidas del Centro de América con sus fuerzas marítimas i terrestres disponibles, cuyo número ó su equivalente se fijará en la asamblea de plenipotenciarios de que se hablará despues.

“Artículo 4°: Las provincias Unidas del Centro de América ausiliarán del mismo modo á la República de Colombia con sus fuerzas marítimas i terrestres disponibles, cuyo número ó su equivalente se fijará tambien en la espresada asamblea.

“Artículo 5°: Ambas partes contratantes se garantizan mutuamente la integridad de sus territorios respectivos contra las tentativas é invasiones de los vasallos del Rei de España i sus adherentes, en el mismo pié en que se hallaban ántes de la presente guerra de independencia.

“Artículo 6°: Por tanto, en caso de invasion re-

both parties can act hostilely in each other's territory, provided circumstances do not admit of a reference to the Government of the invaded territory. But the party who acts thus must comply and cause to be complied with, the statutes, ordinances and laws of the respective State as far as circumstances will permit, and cause the Government to be respected and obeyed. The expenses which may be incurred in these operations and those which may be incurred in consequence of the 3d and 4th articles shall be liquidated by separate agreements, and shall be paid one year after the conclusion of the present war.

“Art. 7th. The Republic of Colombia and the United provinces of Central America oblige and bind themselves formally to respect their boundaries as they exist at present, reserving to themselves the fixing in a friendly spirit and by means of an especial convention, the line dividing one State from the other, as soon as circumstances shall permit or as soon as one party manifests to the other an inclination to enter into this negotiation.

“Art. 8th. To facilitate the progress and happy termination of the boundary question, which was referred to in the preceding article, each of the contracting parties shall be at liberty to name commissioners, to examine all the points and places on the frontiers and to make charts according as they think it convenient and necessary for the establishment of the boundary line, and the local authorities shall in no way molest them, but rather give them all protection and assistance for the better performance of their task, it being understood

pentina, ámbas partes podrán obrar hostilmente en los territorios de la dependencia de una ú otra, siempre que las circunstancias del momento no den lugar á ponerse de acuerdo con el Gobierno á quien corresponda la soberanía del territorio invadido. Pero la parte que así obrase, deberá cumplir i hacer cumplir los estatutos, ordenanzas i leyes del Estado respectivo, en cuanto lo permitan las circunstancias, i hacer respetar i obedecer su Gobierno. Los gastos que se hubiesen impendido en estas operaciones, i demas que se impendan en consecuencia de los artículos 3° i 4°, se liquidarán por convenios separados, i se abonaran un año despues de la conclusion de la presente guerra.

“Artículo 7°: La República de Colombia i las Provincias Unidas del Centro de América se obligan i comprometen formalmente á respetar sus límites como están al presente, reservándose el hacer amistosamente, por medio de una convencion especial, la demarcacion de la línea divisoria de uno i otro Estado, tan pronto como lo permitan las circunstancias ó luego que una de las partes manifieste á la otra estar dispuesta á entrar en esta negociacion.

“Artículo 8°: Para facilitar el progreso i terminacion feliz de la negociacion de límites, de que se ha hablado en el artículo anterior, cada una de las partes contratantes estará en libertad de nombrar comisionados, que recorran todos los puntos i lugares de las fronteras i levanten en ellas cartas, segun lo crean conveniente i necesario para establecer la línea divisoria, sin que las autoridades locales puedan causarles la menor molestia, sino ántes bien prestarles toda proteccion i auxilio para el mejor desempeño de su encargo, con tal

that they shall previously show the passport of the respective Government authorizing them to that effect.

“Art. 9th. Both contracting parties wishing in the meanwhile to provide a remedy for the evils which might be caused to one or the other by colonies of unauthorized adventurers on that part of the Mosquito Coast, from Cape Gracias á Dios inclusive to the river Chagres, bind and oblige themselves to employ their sea and land forces against any individual or individuals who attempt to form establishments on the expressed coasts, without having first obtained the permission of the Government, to which they belong.”

It would be in vain to strive to interpret these articles in an interested or forced sense, being as they are so clear and simple. Nevertheless, Mr. Molina gives it to be understood, that according to the tenor of the 5th article, Colombia esteems as null and void the Ordinance of 1803, because fourteen months after the ratification of the treaty by the Government of Colombia, as will be seen in the preinserted part, the Government of Central America added on its own account and at its own risk the adjective *naturally* after the word *found*, as will be seen in the quoted article 5th.

Supposing that Colombia accepted (which nowhere appears) a similar intercalation, would that mean that the Ordinance was considered without effect or value? Would it not be more natural to think, that no notice had been taken of the word *naturally*, because it is clearly a word without a determinate sense or signification in the place which it occupies, a word which in no case alters the sense of the article in which it appears,

que previamente les manifiesten el pasaporte del Gobierno respectivo autorizándoles al efecto.

“Artículo 9°: Ambas partes contratantes, deseando entre tanto proveer de remedio á los males que podrian ocasionar á una i otra las colonizaciones de aventureros desautorizados, en aquella parte de las costas de Mosquitos comprendida desde el Cabo Gracias á Dios inclusive, hasta el rio Chágres, se comprometen i obligan á emplear sus fuerzas marítimas i terrestres contra cualquiera individuo ó individuos que intenten formar establecimientos en las espresadas costas, sin haber obtenido ántes el permiso del gobierno á quien corresponden en dominio i propiedad.”

En vano seria querer interpretar estos artículos en un sentido acomodaticio i forzado, siendo tan sencillos i claros como son. Sin embargo, el señor Molina da á entender que Colombia, segun el tenor del 5°, estimó como nula i sin valor la Cédula de 1803, por cuanto á los 14 meses de ratificado el tratado por el Gobierno de Colombia, así como se ve en la parte preinserta, el Gobierno de Centro América le añadió de su propia cuenta i riesgo el adjetivo *naturalmente*, despues de la palabra *hallaban*, que se encuentra en el citado artículo 5°.

Suponiendo que Colombia aceptase (lo que no consta en ninguna parte) semejante intercalacion, querria decir eso que consideraba la Cédula sin valor ni efecto? No seria mas natural pensar que no habia hecho caso de la palabra *naturalmente*, por ser á todas luces una palabra sin sentido ni significacion en el lugar que ocupa allí, una palabra que de ningun modo altera la esencia del artículo en que figura, pues él precisamente dice

because it particularly says, that the contracting parties guarantee to each other their territory as they were before the war of Independence, and Costa Rica well knew, that her sea-board on the Atlantic belonged to the New Kingdom of Granada at the commencement of the war in 1810. Now, it is not to be denied, that Costa Rica would *naturally* be extending herself on the Pacific, around the Lake of Nicaragua, and even grasping all the Isthmus of Panama. But we have not yet found a reason for the necessity of a sea-board on the Atlantic in order to be bounded *naturally*. Were it thus, Chili, Ecuador, Peru &c. &c. could complain of not being *naturally* placed, and exact from their neighbours on the Atlantic the cession of that portion of the coast which they ought to have in order to enjoy natural boundaries. In fact, if the word in question has any meaning at all, the most reasonable would be, that all the coast as far as Gracias á Dios belonged to New Granada, and such has been the conviction to which the spanish Government arrived after repeated trials and changes as to what was most *naturally* proper in order to govern, improve and give life to that coast.

One thing is certain, that when at the time of celebrating the treaty, the Colombian Plenipotentiary suggested to the Plenipotentiary from Central America the idea of fixing the limits of Colombia in the river San Juan and Lake of Nicaragua, the latter replied that he did not think his instructions empowered him to consent to that arrangement. It is propable, that the Government of Central America, aware of this part of the conferences, which preceded the treaty, and fearful that Co-

que las dos partes se garantizan sus territorios como se hallaban ántes de la guerra de independencia, i Costa Rica sabia bien que su litoral del lado del Atlántico pertenecia al Nuevo Reino de Granada al empezar dicha guerra en 1810? Ahora, es innegable que Costa Rica *estaria naturalmente*, ya estendiéndose sobre el Pacífico, ya al rededor del Lago de Nicaragua, ya comprendiendo todo el Istmo de Panamá: mas no se alcanza á columbrar la razon por qué le era preciso tener costas en el Atlántico para tener límites *naturalmente*. Si así fuera, Chile, Ecuador, Perú &a., podrian quejarse de no estar *naturalmente* colocados, para exigir de sus vecinos del Atlántico que les desocuparan las costas que deberian tener por ese lado, para contar con límites naturales. En suma, si la palabra en cuestion hubiese de tener algun significado, el mas razonable seria que toda la costa, hasta Gracias á Dios, perteneciese á la Nueva Granada, que fué lo que, despues de repetidas pruebas i ensayos, produjo en el Gobierno Español la conviccion de que era lo que *naturalmente* convenia hacer para poder gobernar, fomentar i dar vida á aquella Costa.

Lo que hai de positivo en todo esto es, que habiendo el plenipotenciario Colombiano insinuado al Centro Americano, al tiempo de celebrar el tratado, la idea de fijar los límites de Colombia en el rio San Juan i lago de Nicaragua, el último manifestó que no se consideraba con instrucciones para convenir en ese punto. Probablemente el Gobierno de Centro América impuesto en esta parte de las conferencias que precedieron al tratado, i temeroso de que Colombia insistiese en aquella

lombia should insist on her claim, wished to secure herself by means of the word referred to, from the fear that her neighbor should encroach upon the limits assigned to her by the *uti possidetis* of 1810. But by no means can it be supposed that she alluded to the Atlantic coast, because it is positive, that the Minister from Central America had in view during the whole course of the conferences, amongst many other documents, the Royal ordinance of 1803, and that it did not occur to him on any occasion to make the least observation against its value and legitimacy, as may be seen by the protocols that exist of those conferences. Nothing could have been more natural than on that solemn and appropriate occasion to have protested against that Ordinance, if there had been any thing to object therein. It is for this reason that the treaty with Colombia is considered by New Granada as a proof amongst others of the unjustifiableness of the attempts of Costa Rica, to encroach upon her territory.

Mr. Molina also tries to find an argument for his purpose in the tenor of the 9th article. This article, as well as the 6th, may be considered as extensions of the two first articles that have been inserted, and as one of the practical results of the union, league and confederation, which is the object of the treaty; for both Republics, being threatened by a common foe, they ought not in consideration of the alliance into which they enter with each other, to shrink from any sacrifice that may be required for their mutual advantage, for it is evident that the invasion of either would expose as a consequence the other to a like misfortune. Central America had besides a stronger motive, that of pre-

pretension, quiso asegurarse por medio de la referida palabra, de que su vecina no traspasaria los límites que tenia, de acuerdo con el *uti possidetis* de 1810; mas de ninguna manera ha podido aludir á la costa del Atlántico, por que es un hecho, que el plenipotenciario Centro Americano tuvo á la vista en todo el curso de las conferencias, entre otros muchos documentos, la Cédula de 1803, i que nunca le ocurrió hacer la menor observacion contra su valor i lejitimidad, como se puede ver en los protocolos que existen de dichas conferencias. Nada hubiera sido mas natural que haber impugnado en esta solemne i oportuna ocasion aquella real órden, si algo hubiese ocurrido qué objetar en contra de ella: i es por eso que este Tratado se considera hoi por la Nueva Granada como una de las pruebas de la temeridad con que Costa Rica pretende aumentar sus territorios á costa de ella.

Tambien se empeña el Señor Molina en querer sacar argumentos del tenor del artículo 9°. Este artículo, así como el 6°, pueden considerarse como un complemento de los dos primeros que se han insertado, i como uno de los resultados prácticos de la union, liga i confederacion á que se contrae el tratado, pues que estando ámbas Repúblicas amenazadas por un enemigo comun, no debian ellas, mediante la fraternidad en que entraban, ahorrar ningun sacrificio en contra de él, siendo claro que la invasion de la una, habria de traer por consecuencia la facilidad de invadir á la otra. Centro América tenia ademas el doble interes de preservar el interior, i esto no lo podia hacer sin impedir las agre-

serving her interior, and this she could not do without impeding the aggressions attempted against the coast. For this reason and also because she possessed no navy wherewith to oppose Spain, whilst Colombia possessed that advantage, Central America proposed the stipulations contained in those articles. Notwithstanding all this, according to the logic of the defenders of Costa Rica, article 9th is brought forward as an unanswerable proof that Colombia looked upon the ordinance as null, or in other words, made a gift of the whole coast to Central America, as if a cessation of the highest importance could be consummated without even a word being said on the matter! But in truth, the meaning of this article is directly contrary to that which has been attributed to it, for without in the least straining the sense, what follows may be inferred from it. 1st. That Central America, being without a navy, and fearing the incursions of Indians and marauders, who on other occasions had entered from that coast, and therefore not considering her interior safe, desired Colombia to undertake the protection of the coast, to which desire Colombia assented, not only for their mutual benefit, but because it was her duty to defend that coast, since it belonged to her. 2d. That the fact of stipulating that both parties should watch over the coast as far as the river Chagres confirms the preceding conjecture and implies the idea, that all the coast from Gracias á Dios was considered as belonging to Colombia, since no one can imagine that she even doubted her rights over, and her possession of Chagres and other coasts and towns of Panamá and Veraguas. 3d. That the circumstance of the watch to be kept, extended only from the Cape of

siones que se intentaran contra la costa. Por eso, i por que no contaba con marina qué oponerle á la España, al paso que Colombia sí la tenia, recabó la estipulacion contenida en dichos artículos. Con todo, segun la lójica de los defensores de Costa Rica, el artículo 9° es presentado como una prueba incontestable de que Colombia daba por nula la Cédula, ó regalaba la costa á Centro América, ¡como si una cesion de tamaña importancia pudiese verificarse sin siquiera hacer la mas leve mencion de ella ! Cabalmente este mismo artículo indica todo lo contrario de lo que se le quiere hacer decir ; porque, sin violencia puede inferirse de él : 1° , que no teniendo marina Centro América, i temiendo las irrupciones de los indios i de los caballeros de industria que acostumbraban meterse por allí, consideraba amenazado el interior, i por eso quiso que Colombia se comprometiese á supervijilar la costa, á lo cual accedió Colombia, ya por la mancomunidad de intereses, ora por que le incumbia hacer algo en defensa de dicha costa, como que le pertenecia : 2° , que el hecho de estipular que ámbas partes vijilasen la costa hasta el Rio Chágres, confirma la anterior conjetura, é implica la idea de que toda la Costa desde Gracias á Dios se consideraba como perteneciente á Colombia, puesto que nadie podria figurarse que esta última dudase de sus derechos i de la activa posesion que tenia sobre Chágres i otras poblaciones i costas de Panamá i Veraguas ; i 3° , que la circunstancia de haber convenido en aquella vijilancia solo desde el Cabo de Gracias á Dios, i no de mas adelante, manifiesta aun mas claro, que no se trataba sino de la costa Colombiana.

Gracias á Dios, and not farther, shows even more distinctly that the treaty referred to the coast of Colombia only.

But laying aside all those questions which have been thus rapidly reviewed, it will be well to end this short sketch by adding a few more arguments to those already given upon the perfect right to dominion and possession held by New Granada over the province of Veraguas in the terms and according to the hints already set forth.

Taking for granted the position that the Captain-Generalship of Guatemala, of which the province of Costa Rica formed a part, could never found villages or establishments of any sort on the coast of the Atlantic from Cape Gracias á Dios towards the South, nor maintain any navy on that side, for which reason that coast depended nearly continually on the Vice-royalty of New Granada, — it is evident that reasons even far more important existed for the like dependence on New Granada, of that part of it belonging to the province of Veraguas which is now claimed by Costa Rica, as that is the part which more than any other required constant and active supervision, as it was frequently necessary to expel from the lake of Chiriqui and its Islands smugglers and criminals of various nations, who sought refuge there from the persecution raised against them at sea. So, there does not exist the least record that ever Guatemala or Costa Rica in her turn exercised the least jurisdiction either direct or indirect in the Islands of Chiriquí or Bocas del Toro, whilst the archives of the Vice-royalty are filled with documents and allusions to the dominion and possession held by New Granada

Prescindiendo ya de todas las cuestiones que quedan rápidamente revisadas, convendrá terminar este opúsculo agregando algunas razones á las que ya se han espuesto, sobre la parte relativa al perfecto derecho de dominio i posesion que ha tenido i tiene la Nueva Granada á la provincia de Veraguas, en los términos i segun los límites que se han enunciado.

Partiendo del principio de que la Capitanía Jeneral de Guatemala, de la cual era parte integrante la provincia de Costa Rica, nunca pudo fundar pueblos ó establecimientos sobre la costa del Atlántico, desde el Cabo Gracias á Dios hácia el Sur, ni mantener marina alguna de ese lado, por cuyo motivo casi siempre dependió dicha costa del Vireinato de Santa Fé; es evidente que con mayor razon debia depender de dicho Vireinato la parte de ella correspondiente á la provincia de Veraguas á que pretende aspirar hoi Costa Rica, pues que era esa parte precisamente la que exijia una supervijilancia mas asidua i eficaz, como que con frecuencia se hacia indispensable repeler de la Laguna de Chiriquí i sus islas, á varios criminales i contrabandistas de diferentes países, que se refugiaban allí para escapar de la persecucion que se les hacia en el mar. Así que, no hai memoria de que jamas Guatemala ni Costa Rica en su caso, hayan tenido la menor injerencia directa ó indirecta en las islas de Chiriquí ó Bocas del Toro, al paso que los archivos del Vireinato están llenos de documentos i alusiones sobre el dominio i posesion que el Nuevo Reino de Granada tenia en esa sec-

over this important part of Veraguas. Don Antonio de Medina in the researches made by him in this province towards the middle of the last century by orders of the King, confined himself with much interest especially to this part, as being the most important of the province. Later, on the 16th March 1787, Midshipman Don Favian Avances sailed from Portobelo with the sloop *Santiago* and the brig *Amistad* of the Royal navy, by order of the Viceroy of the new Kingdom of Granada, with the double object of surveying the Islands of Bocas del Toro, examining their coasts and anchorage and investigating the truth of a report that some foreigners had gone there to dive for pearls and catch turtles in an illicit manner. This officer did in fact capture in that archipelago the schooner *Nancy*, whose Captain and crew, after declaring they were english and that they were there catching turtles, were taken to Carthagena with their schooner and the turtles they had caught and were there tried. During the cruise of that officer amongst those islands, his written intimations to foreigners are remarkable: he directs that they shall not return to those places, under pain of being placed under the jurisdiction of the Viceroy of Santa Fé.

With reference to the boundary line between Veraguas and Costa Rica on the Pacific side, Mr. Molina has seen many of the maps, histories and relations quoted in the course of this sketch, and is also possessor of the ordinance issued by the king of Spain in favor of the inhabitants of Veraguas on the side of Chiriquí, to settle and cultivate the lands which stretch to the North and Northwest of said province, that is, beyond Chiriquí, which concessions were certainly not gratuitous, as it

ción principal de *Veraguas*. Don Antonio de Medina, en las investigaciones que de órden del Rei hizo en dicha provincia á mediados del último siglo, se contrae con mucho interes i especialidad á esa parte, considerando como la mas importante de la provincia. Mas tarde, en 16 de Marzo de 1787, el alferez de fragata Don Favian Avances se dió á la vela desde Portobelo en la balandra *Santiago* i el bergantin *Amistad*, de la Marina Real, por órden del Virei del Nuevo Reino de Granada, con el doble objeto de recorrer las islas de las Bocas del Toro, examinando sus costas i fondeaderos, i de averiguar el denuncia que se recibió de que algunos extranjeros iban allí á pescar perlas i tortugas clandestinamente. Este oficial apresó en efecto, en aquel archipiélago, la goleta *Nancy*, cuyo capitan i tripulacion, despues de haber manifestado que eran ingleses i que estaban allí cogiendo tortugas, fueron llevados á Cartagena junto con la goleta i las tortugas que habian pescado, en donde se les siguió la respectiva causa. En la excursion que dicho oficial hizo por las islas, se hacen notables las intimaciones escritas que deja á los extranjeros para que no vuelvan á aquellos lugares, si no quieren ser llevados á disposicion del Virei de Santa Fé.

Con referencia á la línea divisoria entre Veraguas i Costa Rica, por el lado del Pacífico, el Sor. Molina ha visto muchos de los mapas, historias i relaciones que se han citado en el curso de esta reseña, i tambien tiene en su poder copia de la Cédula espedita por el Rei de España en favor de los habitantes de Veraguas, en la parte de Chiriquí, para poblar i cultivar las tierras que demoran hácia el Norte i Noroeste de dicha provincia, es

appears the inhabitants obtained them in consideration of a certain sum of money.

But there are also in favor of this question reasons and proofs of a superior order which cannot be combated by any class of arguments, because they are based on notorious and indisputable facts, one of these being the possession, uninterrupted and unquestioned by any Government, that New Granada has had from immemorial time of the territories which lose themselves in Golfo Dulce, of those upon the lake and archipelago of Chiriquí or Bocas del Toro, and of lands which stretch many leagues to the Northwest. The ancient canton of Alanje, which constitutes at the present time the principal part of the province of Chiriquí, was always and is now composed of the old settlements of David, Alanje, Bocachica, Boqueron, Bugaba, Caldera, Dolega, Gualaca, Remedios, San Felix, San Lorenzo and San Pablo, and of the villages which now form the Canton of Bocas del Toro. None of these settlements, which number nearly 18000 inhabitants, have ceased for a single day to depend either on the Viceroyalty, Colombia or New Granada. They have always appeared in the statistics of the province of Veraguas, — they have always contributed like the rest of the towns of the Republic their quota of men to the army, — they have contributed money and other services imposed by the law on all citizens. The settlement of Bocas del Toro may be said to have maintained for ages past, communication with Alanje, David and with almost all the parishes and villages which

decir, adelante de Chiriquí; concesion que no fué por cierto gratuita, pues consta que aquellos habitantes la obtuvieron mediante el desembolso de cierta cantidad de dinero.

Pero hai todavía en pro de esta cuestion, razones i pruebas de un órden superior, que no se pueden combatir con argumentos de ninguna especie, por que se basan en hechos mas sólidos, notorios é indubitables. Sea una de ellas la posesion, no interrumpida ni reclamada por ningun Gobierno, que la Nueva Granada ha tenido desde tiempo inmemorial, ya sobre los territorios que se pierden hácia el lado de Golfo Dulce, ya sobre la laguna i archipiélago de Chiriquí ó Bocas del Toro i terrenos que siguen al Noroeste por muchas leguas. El antiguo canton de Alanje, que constituye hoi la mayor parte de la provincia de Chiriquí, se compuso siempre, i se compone hoi de las viejas poblaciones de David, Alanje, Bocachica, Boqueron, Bugaba, Caldera, Dolega, Gualaca, Remedios, San Félix, San Lorenzo, i San Pablo, i de las aldeas que forman ahora el canton de las Bocas del Toro. Todas estas poblaciones, en las cuales se cuentan cerca de 18000 habitantes, nunca han dejado de depender por un solo dia, ora del Vireinato, ora de Colombia, ora de la Nueva Granada. Siempre han figurado en la estadística de la provincia de Veraguas, siempre han contribuido, como los demas pueblos de la República ó del Vireinato con hombres para el ejército, con dinero i con los demas servicios impuestos por las leyes á todos los habitantes. La poblacion de las Bocas del Toro ha mantenido comunicaciones, puede decirse, desde siglos atras, con Alanje i David, i con casi todas las parroquias i aldeas que se han citado, —

have been mentioned. These communications, though neither easy or agreeable, were frequent, and it is well known that from Alanje to the Bay of Almirante a road has existed since the early days of the discovery, which has been much frequented and which it is now wished to convert into a wheelroad.

These are facts, which it would be vain for Costa Rica to deny and which in themselves are sufficient to annul her pretensions.

But further, in the exercise of her incontestable rights, New Granada constantly sustained the measures adopted by Colombia, and organized tolerably well since 1836 the territory of Bocas del Toro, whose government had not been regulated in a satisfactory manner until then, neither has it failed to improve as much as was possible since that time, establishing a custom house for the encouragement and convenience of trade and causing the mail boat to touch there, which carries the correspondence to the Islands of San Andres.

It is undeniable then, taking into consideration all that has been said, that the pretensions of Costa Rica are unjust and that, if there were such a law with respect to nations as has existed in some countries condemning the unjust claimant to pay a fine equal to the value of his claim, which is both just and moral, Costa Rica would be obliged to resign a large portion of her territory to New Granada; but as this country requires no more than what she possesses, and does not judge it expedient to enlarge her domains, she only claims from Costa Rica, that, relinquishing her exaggerated pretensions, she will agree in recognizing as the line

comunicaciones que, aunque no mui fáciles i cómodas, eran frecuentes; i es sabido que de Alanje á la bahía del Almirante ha existido, desde los primeros tiempos del descubrimiento, un camino bastante frecuentado, que es el mismo que se quiere hacer carretero actualmente.

Estos son hechos que, en vano se querrian contradecir por Costa Rica, i que solos, bastan para anondar sus pretensiones.

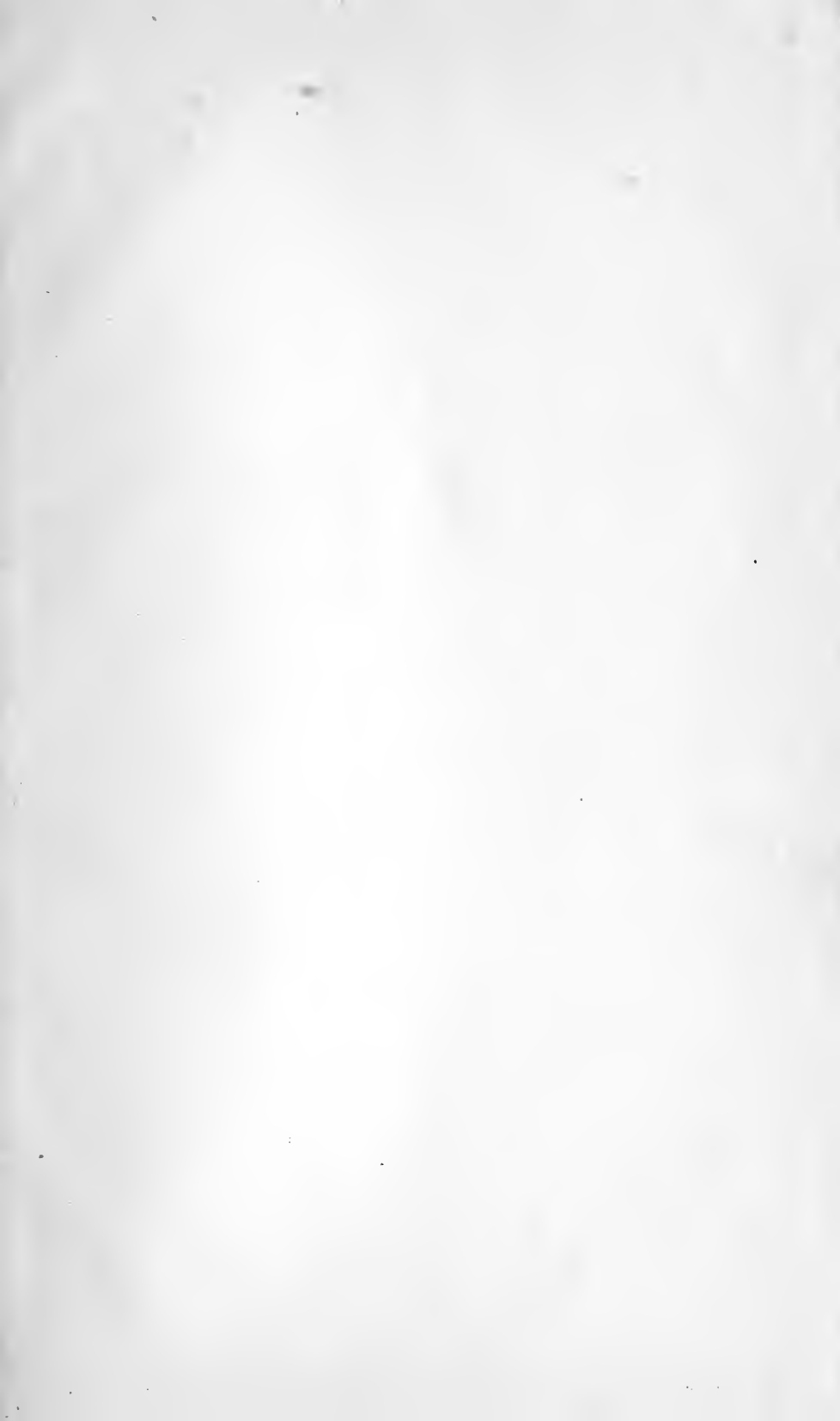
Pero hai mas: en ejercicio de sus inconcusos derechos, la Nueva Granada sostuvo constantemente las medidas adoptadas por Colombia i organizó bastante bien desde 1836 el territorio de las Bocas del Toro, cuya administracion no se habia regularizado de un modo satisfactorio hasta entónces, así como tampoco ha dejado de mejorarse en todo lo posible, de aquel tiempo á esta parte, estableciéndose una aduana por vía de fomento i comodidad, i haciendo que toque allí el buque correo que conduce la correspondencia á las islas de San Andres.

Es innegable, pues, habida consideracion á todo lo que se ha espuesto, que la pretension de Costa Rica se resiente de temeridad, i que, si con respecto á las naciones hubiera una lei como la que ha existido en algunos países, condenando al demandante temerario á pagar una cantidad igual al importe de la demanda, lo cual parece ser mui justo i moral, — Costa Rica seria obligada á ceder gran parte de su territorio á la Nueva Granada. Pero como esta no necesita mas del que tiene, ni estima conveniente darle mayor ensanche, solo exige de Costa Rica, que, dejando á un lado sus exajeradas pretensiones, convenga en fijar por línea de de-

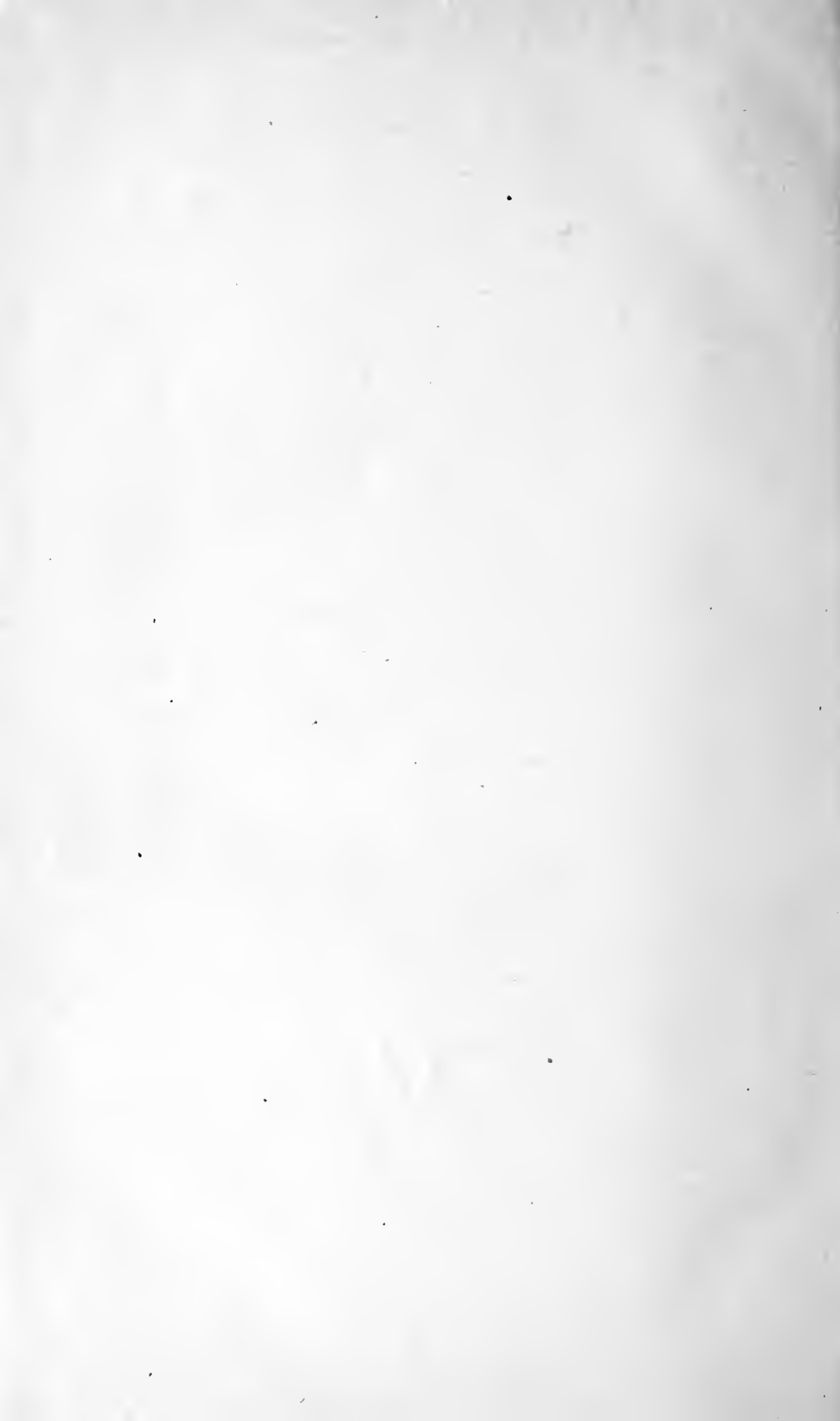
of demarcation, that which has been indicated above, namely the Centre of Golfo Dulce on the Pacific seaboard, and the river of Culebras or Doraces on the Atlantic. In this manner might be peacefully terminated the annoying question, which has begun to disturb the friendly feelings of two nations evidently called by many weighty reasons, to an alliance and identification of interests, by this means the bonds that should unite them might be strengthened into the most perfect friendship, and Costa Rica would remain possessed of two thirds of the desert and undivided territory which separates the two Republics and even of the Atlantic coast from the river Culebras as far as the St. John according, to the conditions of a treaty on the subject.

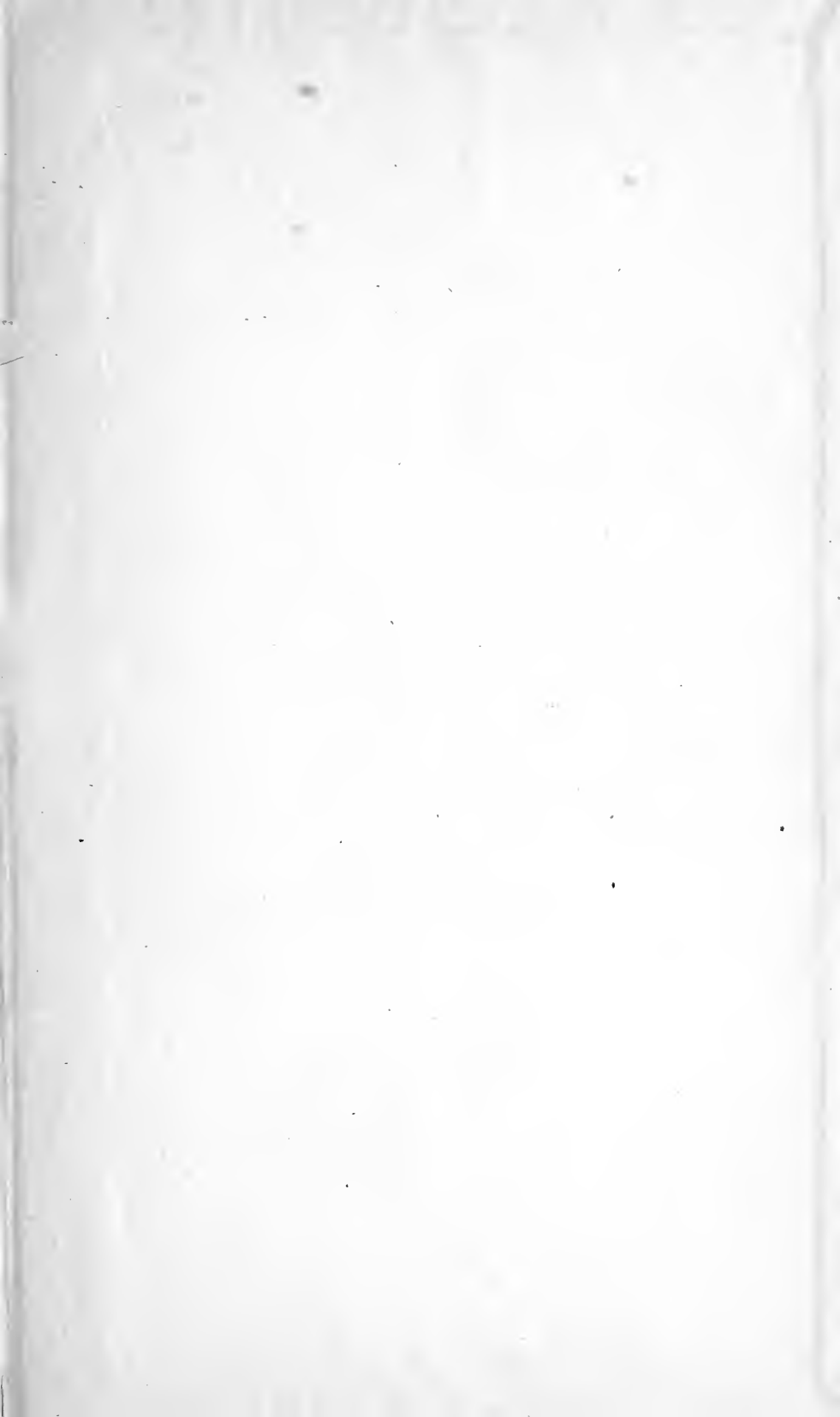
marcacion la que se ha indicado, á saber: el seno del Golfo Dulce en el litoral del Pacífico, i el rio de las Culebras ó Doráces en el del Atlántico. De esta manera terminaria en paz la enojosa cuestion que ha empezado á indisponer el ánimo de dos países, llamados por tantos títulos á fraternizar i á identificar su porvenir, estrechando los lazos que deben unirlos en la mas perfecta amistad; i Costa Rica quedaria dueña de mas de las dos terceras partes del territorio desierto que existe pro-indiviso entre las dos Repúblicas, i aun de la costa del Atlántico desde el rio Culebras hasta el San Juan, mediante las condiciones que se combinasen en el respectivo tratado.











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